

OFFICIAL INFORMATIONCONFIDENTIAL**EVIDENCE CODE SECTION 1040
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: April 16, 2020

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER-INVOLVED SHOOTING 021-19 FOR 4/28/20 CLOSED-
SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
-----------------	-------------	-------------	---------------------------	------------------------------

West Valley	5/26/19	8:07 a.m.		
-------------	---------	-----------	--	--

<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
--	--------------------------

Csicsai, B./PO II	11 years
-------------------	----------

Total Involved Officer(s)

1 x Lt. I
1 x Sgt. I
3 x PO II

<u>Suspect</u>	<u>Deceased ()</u>	<u>Wounded (X)</u>	<u>Non-Hit ()</u>
----------------	--------------------	--------------------	-------------------

Julie Guadalupe Fernandez: Male Hispanic, 19 years of age.

COP Recommendations

Tactics – Administrative Disapproval, Sergeant Cueto. Tactical Debrief, Lieutenant Fogel, and Officers Csicsai, Houser, and Babel.

Drawing/Exhibiting – In Policy, No Further Action, Officers Csicsai, Houser, and Babel.

Lethal Use of Force – In Policy, No Further Action, Officer Csicsai.

IG Recommendations

Tactics – Same as COP.

Drawing/Exhibiting – Same as COP.

Lethal Use of Force – Same as COP.

Table of Contents

I.	Investigation	
i.	Annotated Force Investigation Division (FID) Incident Summary	p. 3
II.	Chief of Police Report	
i.	Chief of Police Findings	p. 37
ii.	Chief of Police Analysis	p. 37
III.	Inspector General Review	
i.	Inspector General Analysis	p. 61
ii.	Inspector General Recommendations	p. 61

INVESTIGATION

Synopsis

Synopsis: Uniformed officers assigned to West Valley Patrol Division responded to a radio call of a possible attempt suicide suspect armed with a handgun. Officers located a suspect armed with a pistol, which she held pointed to her head. Officers communicated with the suspect to drop the pistol, but she refused. During the standoff, the suspect began to point her pistol in the direction of an officer and an Officer-Involved Shooting (OIS) occurred. The suspect was struck by gunfire multiple times and was transported to a local area hospital, where she survived her injuries.

Annotated Force Investigation Division (FID) Incident Summary¹

On Sunday, May 26, 2019, at approximately 0735 hours, Witness Kathie Milholland, was sitting in her residence at 8061 Hesperia Avenue, when she heard loud talking from her driveway. Milholland looked out a laundry room window and observed a female, later identified as Julie Fernandez, sitting cross-legged on her driveway, talking on a phone. According to Milholland, Fernandez was crying and talking about killing herself. Milholland then went into her kitchen and telephoned 911.

Milholland remained on the telephone with the 911 operator and advised that the police may not be able to locate Fernandez because she was seated between her residence and a green Kia parked in her driveway. As the 911 operator continued to obtain additional information, Milholland then observed Fernandez holding a gun to her own head.

Meanwhile, Milholland remained on the telephone as Communications Division (CD) broadcast, at 07:38:00 hours, *"West Valley units, and 10A3, 10A3, a possible attempt suicide, 8061 Hesperia Avenue, 8061 Hesperia Avenue, sitting in the driveway in front of a green Kia. Subject a female white, white hair, 30's, wearing a burgundy shirt, has a handgun to her head. Code Three. Incident 1395. RD 1005."*

All identified officers were equipped with Body Worn Video (BWV). The summary contains approximate times for various events in order for the reader to reference BWVs at their discretion.

West Valley uniformed Police Officer II Michael Babel, Serial No. 35786, and Police Officer I Emanuel Leyva Huerta, Serial No. 43494, assigned Unit 10A3W2, advised CD they were responding Code Three. While enroute to the location, officers asked if an air unit was available. Shortly after their request, CD advised officers that the air units were down.

¹ The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

West Valley Area uniformed Police Officers II Blake Csicsai, Serial No. 39200, driver, and Patmarloue Azurin, Serial No. 38725, were assigned Unit 10A17W2.² Officers were in a marked black and white sport utility vehicle (SUV), Shop No. 80457, which was equipped with ballistic door panels and a Digital in Car Video System (DICVS). Officers Csicsai and Azurin decided to back 10A3 on their radio call and responded Code Three to 8061 Hesperia Avenue. Officer Azurin notified CD via their Mobile Digital Computer (MDC) they were responding Code Three from Lindley Avenue and Burbank Boulevard (Issues and Concerns No. 1).

The following West Valley Patrol Division uniformed officers also advised CD they were responding to the radio call: Police Officers II Jonathan Clodfelter, Serial No. 43007, and Micaela Gastellum, Serial No. 41639, assigned Unit 10A83W2; Police Officer II Rodolfo Rivera, Serial No. 38469, assigned Unit 10EL2W2; and Police Officers II Jesse Alcantar, Serial No. 41703, and Anthony Cardoza, Serial No. 42796, assigned Unit 10A39W2.

At approximately 07:40:10 hours, CD broadcast, *"Subject is unknown to PR (Person Reporting), subject is female, Hispanic, 30 years, large handgun in her right hand; talking on the phone in her left."*

At approximately 07:41:40 hours, CD broadcast one final update, *"Subject is sitting between a house and a green Kia in the driveway, additional gray Cadillac in the driveway."*

While enroute, Officer Azurin advised Officer Csicsai that he was going to deploy the ballistic shield to aide officers on their approach and provide cover in the event they should encounter an armed suspect. Officers discussed how they wanted to make their approach and get a visual on the suspect. According to Officer Csicsai, they also discussed how they would direct additional units to the area.

OIG Note No. 1: The officers' efforts at planning also included crossfire considerations as well as parking at a safe distance from the call location.

This conversation was also captured on Officer Csicsai's BWV.

At approximately 07:42:13 hours, Officer Azurin advised CD that officers were Code Six in the area and requested all units to respond north on Hesperia Avenue from Strathern Street. Officers identified a white house with a Cadillac parked in the driveway as the

² Officer Csicsai, 11 years with the Department, 32 years of age, 5 feet 10 inches tall, 220 pounds, equipped with a ballistic vest, a Glock, model 22, .40 caliber, semiautomatic pistol, Oleoresin Capsicum (OC) spray, an X26 TASER, one set of handcuffs and a Hobble Restraint Device (HRD). Officer Csicsai had his side handle baton (PR24) and 40mm Less Lethal Launcher (LLL) in the police vehicle. Officer Azurin, 11 years with the Department, 47 years of age, 5 feet 7 inches tall, 180 pounds, equipped with a ballistic vest, a Glock, model 22, .40 caliber, semiautomatic pistol, OC spray, an X26 TASER, one set of handcuffs and a HRD. Officer Azurin had his side handle baton (PR24) in the police vehicle.

possible location of the incident. Officer Csicsai stopped and parked the police vehicle in front of 8036 Hesperia Avenue.

As Officer Csicsai exited the police vehicle, he deployed the 40 millimeter (mm) less lethal launcher from the gun rack located between the driver and passenger seat of the police vehicle. Officer Csicsai slung the 40mm less lethal launcher across his back and walked north on Hesperia Avenue.³ Officer Azurin exited the vehicle and obtained the ballistic shield from the rear cargo area of his police vehicle, which he carried in his left hand.

Officer Rivera arrived at scene a few seconds after Officers Csicsai and Azurin and placed himself Code Six over the MDC. All three officers walked north on Hesperia Avenue alongside several parked vehicles, on the westside of the street, which they used for cover.

As officers continued their approach on foot, Officer Csicsai observed a green Kia SUV parked in the driveway of 8061 Hesperia Avenue, next to the Cadillac. Officer Csicsai communicated his observations to Officer Azurin as they approached 8049 Hesperia Avenue, two residences south of the incident location. Officer Rivera's BWV captured Officers Azurin and Csicsai unholster their service pistols with their right hands and hold them in one hand low-ready positions as they continued to walk north on the street.

Note: Both Officer Azurin and Csicsai recalled unholstering their pistols once when they first observed Fernandez.

According to Officer Csicsai, he directed Officer Rivera to move his black and white patrol vehicle forward so officers could use it for cover and utilize the Public Address (PA) system to communicate with Fernandez. Officer Rivera turned and ran back south to retrieve his vehicle.

Officers Csicsai and Azurin took cover behind a gray Toyota minivan, which was parked in front of 8055 Hesperia Avenue, one residence south of 8061 Hesperia Avenue.

While standing in front of the minivan, Officer Csicsai observed Milholland on the telephone, looking out a window of her residence. At approximately 07:45:10 hours, Officer Csicsai advised CD that he could see Milholland in the window. Officer Csicsai directed CD that he wanted Milholland to stay on the telephone with the 911 operator; however, he wanted her to move away from the window for her safety.

As Officer Rivera approached his vehicle, he observed Officers Babel and Leyva-Huerta arrive on Hesperia Avenue. Officer Rivera got Officer Babel's attention and directed him to bring their vehicle further north on Hesperia Avenue. Officer Rivera then rejoined Officers Csicsai and Azurin, taking cover along the front of the Toyota minivan.

³ Officer Csicsai did not immediately load the 40mm upon deploying it from the vehicle.

Officer Babel drove north and stopped his police vehicle in front of 8049 Hesperia Avenue, one residence south of Officers Csicsai and Azurin's position, and exited. Officer Leyva-Huerta obtained the shotgun from the center rack and exited. Upon exiting the vehicle, Officer Leyva-Huerta chambered a round in the shotgun. Officer Leyva-Huerta's BWV captured him move to the west side of Hesperia Avenue, with the shotgun in the low ready position, and take cover behind a gray Toyota Corolla, parked in front of 8049 Hesperia Avenue. Officer Babel exited the vehicle and opined the situation could escalate to a deadly force situation and unholstered his pistol, which he held in a two-hand low ready position, with his finger along the frame. Officer Babel moved around the back of his police vehicle and obtained cover behind the open passenger door.

At approximately 07:45:20 hours, Officers Alcantar and Cardoza arrived at scene and placed themselves Code Six via the MDC. As Officer Cardoza exited, he believed the incident could rise to a deadly force situation, he deployed the shotgun and chambered a round while holding it in a low-ready position. He moved north on the west side of the street and took a position of cover at a cinder block pillar in front of 8055 Hesperia Avenue. Officer Alcantar exited the vehicle and walked north, along the east side of the street, taking a position of cover behind a gray Honda Civic parked in front of 8054 Hesperia Avenue.

Fernandez then emerged from the area between the green Kia and gray Cadillac. According to Officer Csicsai, he could only see from Fernandez' shoulder area upward, but clearly observed Fernandez holding a black semi-automatic handgun in her right hand that she pointed against her head. Officer Csicsai's BWV captured him stating, *"Drop the gun, drop the fucken gun Ma'am! Drop the gun! It's the cops Ma'am; don't be stupid."*

Note: According to Officer Csicsai, he believed Fernandez was inside the green Kia. Officer Csicsai further believed that Fernandez exited the Kia when he first observed her standing in the driveway.

According to Officer Azurin, he first saw Fernandez between the Kia and garage.

Upon seeing Fernandez armed with a gun, Officer Rivera unholstered his pistol and held it in his right hand, in a one hand low-ready position, which was captured on Officer Cardoza's BWV. According to Officer Rivera, *"I unholstered because the female was carrying a gun. I felt the situation could escalate to the use of deadly force."*⁴

According to Officer Alcantar, believing the incident could rise to a deadly force situation, he unholstered his pistol and held it in a two-hand low ready position, with his finger along the frame.

⁴ Rivera, Page 11, Lines 16-20.

Note: Officer Leyva-Huerta's BWV captured Officer Alcantar holding his pistol down along his side, in a one-handed grip.

Officers Csicsai, Azurin and Rivera continued to hold their positions at the engine block of the Toyota minivan, as they pointed their service pistols in Fernandez' direction. Officer Azurin stated that he observed Fernandez holding a black handgun in her right hand which was pointed to the right side of her head as she stood in the driveway in front of the Kia. Officer Csicsai again requested to have a police vehicle moved closer toward his position.

Meanwhile, Fernandez ignored officers' commands to drop the gun as she stood in the driveway holding the gun to her head. At approximately 07:45:59 hours, Officer Csicsai broadcast, *"17, can we get a back-up. We got a 415 female with a handgun to her head. Give us an air ship, I don't give a shit about the weather, and we need a supervisor. We need units to come up here, block off Hesperia, north of Lorne, no southbound traffic, no westbound traffic coming on Lorne. Give me units now."* (Issues and Concerns No. 2)

While Officer Csicsai broadcast, Officer Alcantar ran back to Officer Babel's police vehicle. Officer Babel walked around his police vehicle, holstered his pistol and entered the driver's seat. Officer Babel then drove his police vehicle north for cover. Officer Alcantar walked behind the open passenger door, and Officer Babel stopped parallel to Officers Csicsai, Azurin and Rivera, in front of 8055 Hesperia Avenue. Officer Babel's BWV captured him place the police vehicle in park as he quickly exited and moved toward the rear of his vehicle. Once at the rear of the vehicle, Officer Babel believed the situation could escalate to deadly force and unholstered his pistol, which he held in his right hand, down to his side.

Officer Rivera moved to a position of cover behind the open driver door of Officer Babel's police vehicle. According to Officer Rivera, he observed Fernandez with a black gun in her right hand, which she held to her head, standing toward the front of the Kia.

Officer Cardoza redeployed from the west sidewalk to Officer Babel's police vehicle and assumed a position of cover at the open passenger door. According to Officer Alcantar, believing there was ample lethal force options on scene, he holstered his pistol and remained to the rear of the police vehicle.

Officer Leyva-Huerta followed behind Officer Cardoza and took a position along the rear passenger side of the police vehicle. Officer Alcantar's BWV captured him directing Officer Leyva-Huerta to redeploy with his shotgun along the left side of the police vehicle, to have long guns on both sides of the police vehicle. Officer Leyva-Huerta then moved around the police vehicle and stood to the right of Officer Csicsai. Regarding the decision to redeploy Officer Leyva-Huerta, Officer Alcantar stated, *"I asked him to move onto the other -- to the left side of the shop that way we have a long gun on the right side, long gun on the left side and just to cover different angles and*

have a better -- better position in case anything, you know, someone saw something that the other one didn't."⁵

Note: According to Officer Alcantar, he believed he directed Officer Babel to redeploy with the shotgun to the left side of the police vehicle.

According to Officer Csicsai, Fernandez walked around the front of the Kia and then along the passenger side, where he lost sight of her. Officer Csicsai could not give an approximate length of time that Fernandez was out of his sight. Although Officer Csicsai could not see Fernandez, he continued to communicate to her. Fernandez responded by repeatedly stating that she was going to shoot herself.

Officers continued to verbally communicate with Fernandez by directing her to put the gun down, not to hurt herself and told her officers wanted to help her. Officers Azurin and Babel suggested only one officer speak to Fernandez to keep communications clear and concise. According to Officer Babel, *"I kind of took control as incident commander to tell people to just one person to talk."*⁶ Officer Csicsai advised fellow officers that he would continue to communicate with Fernandez. Officer Csicsai continued to communicate with Fernandez as he attempted to de-escalate the situation by repeatedly telling Fernandez to put her gun down and that officers wanted to help her. Fernandez did not respond to these commands.

At approximately 07:47:40 hours, Officer Csicsai broadcast, *"17, let's get LAFD to respond and have them station at Lindley and Strathern. Let's have staging there for medical personnel."* Officer Csicsai's BWV captured him state that he was unable to see Fernandez and he requested someone else assume communications with Fernandez.

Officer Csicsai's BWV captured him direct Officer Leyva-Huerta, who was standing to his right, to take his position as he moved away from the Toyota van to the rear of Officer Babel's police vehicle. Regarding his decision to move, Officer Csicsai stated, *"I lost sight of her. At that time, since I had already had initial contact with her, I wanted to keep contact with her, with my -- you know I wanted to keep being in communication with her. So, I wanted to move to a position of advantage where I could get better visualization on the suspect."*⁷

Note: According to Officer Csicsai, he could not recall which officer he directed to take his position along the van next to Officer Azurin.

At approximately 07:48:10 hours, Officers Gastellum and Clodfelter arrived on scene and assisted with perimeter control at the intersection of Cantara Street and Hesperia Avenue.

⁵ Alcantar, Page 11, Lines 9-14.

⁶ Babel, Page 7, Lines 8-9.

⁷ Csicsai, Page 9, Lines 14-20.

Los Angeles City Fire Department Engine No. 103, staffed with Firefighter/Paramedic Jeffrey Bader and Firefighter James Borland, and Rescue Ambulance No. 100, staffed with Firefighter/Paramedics Daniel Kush and Michael Vavrin, responded and staged at Cantara Street and Hesperia Avenue.

During this time, officers were unable to maintain a visual of Fernandez, who was between the passenger side of the Kia and the residential garage of 8061 Hesperia Avenue. According to Officer Babel, while standing on the passenger side of his police vehicle, he bent down, because he lost visual of Fernandez, and looked in a northwest direction. Officer Babel observed Fernandez on her knees, faced in an east direction. According to Officer Babel, he communicated his observations to the other officers at scene.

For approximately one minute, Fernandez remained quiet and did not communicate with officers. Officer Babel attempted to communicate with Fernandez asking her name; however, he received no reply. Officer Babel's BWV captured him communicating, *"Come on, No one needs to get hurt here. Put down the gun and come out with your hands up."*⁸ Fernandez remained silent.

After moving to the rear of Officer Babel's police vehicle, Officer Csicsai removed the 40mm less lethal launcher, which was slung over his back. Officer Csicsai opened the breach and inserted a live round into the chamber, making the weapon ready to deploy. Officer Csicsai held the launcher in a low-ready position as he moved to the right side of the police vehicle, behind Officer Cardoza, who remained behind the open passenger door with his shotgun. Officer Babel's BWV captured him moving from the right of Officer Csicsai to behind his police vehicle, in an attempt to get a view of Fernandez.

At 07:48:20 hours, Officer Csicsai broadcast, *"17, we're going to need a unit on Lorne. They're going to have to stop westbound traffic, but they need to get better eyes than us. She's going to be between the Kia and garage door. It's a white house where it T's off at Lorne and Hesperia."*

According to Officer Csicsai, he assessed the number of officers at scene and directed Officers Alcantar and Cardoza to redeploy and take a position on Lorne Street. According to Officer Csicsai, officers were having trouble monitoring Fernandez in the driveway because she was behind the passenger side of the Kia SUV. Officer Csicsai wanted officers positioned on Lorne Street because, *"It would be better for us tactically in that situation. We could have an L configuration and they could possibly get better visualization on her than we could."*⁹

Once Officer Cardoza moved away from the passenger door, Officer Csicsai placed the 40mm less lethal launcher on the front passenger seat of Officer Babel's police vehicle.

⁸ Officer Babel completed a 36-hour Mental Health Intervention Training (MHIT) course on April 15, 2016.

⁹ Csicsai, Page 10, Lines 11-14.

According to Officer Csicsai, he wanted to have it ready in the event it needed to be used.

Note: Officer Csicsai's BWV captured him loading the 40mm less lethal launcher. The hammer was not thumb cocked on the weapon at that time. Officer Csicsai's BWV captured that the hammer was thumb cocked when he placed it into the vehicle.

Officer Csicsai then unholstered his service pistol and held it in a two-hand low ready position as he stood behind the open passenger door. According to Officer Csicsai, he, *"Kept lethal cover because I was the only officer on that passenger side of the vehicle."*¹⁰

Note: Officer Babel's BWV captured him standing behind Officer Csicsai as they both utilized the passenger side of the police vehicle for cover.

As Officers Cardoza and Alcantar arrived at their police vehicle, Officer Cardoza gave the shotgun to Officer Alcantar, who placed it in the gun rack. Officers drove south on Hesperia Avenue, east to Strathern Street, north to Newcastle Avenue and then west on Lorne Street.

Note: As Officer Cardoza moved from the passenger door of Officer Babel's police vehicle to his own police vehicle, it appeared that he did not download the shotgun prior to entering his vehicle based upon both his BWV and DICVS.

According to Officer Csicsai, Fernandez began to move from the passenger side of the Kia toward the front lawn area. Officer Csicsai observed this movement and his BWV captured him state, *"Stop! Put it down!"* Officer Babel's BWV captured him state, *"Put it down, put the gun down! No one needs to get hurt. It's gonna be alright. We'll get you help!"* Fernandez continued to hold the handgun in her right hand pointed at her head. According to Officer Csicsai, at this time, he observed Fernandez holding what he described as a Glock gun case, with an orange cable lock, in her left hand. Officer Csicsai opined that Fernandez was armed with a Glock firearm and not a toy gun.

According to Officer Csicsai, he then directed Officer Babel to get the 40mm less lethal launcher that was located on the front passenger seat of the police vehicle. According to Officer Babel, prior to obtaining the 40mm less lethal launcher, he holstered his pistol. Officer Babel's BWV captured him walk up behind Officer Csicsai, reach onto the passenger seat with his right hand and remove the 40mm less lethal launcher. Officer Babel held the launcher in his right hand, with the hammer already cocked. Regarding his decision to deploy the 40mm less lethal launcher, Officer Babel stated, *"I wanted to*

¹⁰ Csicsai, Page 11 Line 25 – Page 12, Line 1.

*have all options available actually in case, you know, we didn't want to have to shoot her. That was not -- you know, we wanted to just help her."*¹¹

Note: According to Officer Babel, he noticed that officers did not have less lethal and took it upon himself to get the 40mm less lethal launcher from his vehicle, which was in the gun rack in the front seat. Officers Babel and Csicsai's BWV confirmed that Officer Csicsai directed Officer Babel obtain the 40mm less lethal launcher, which was on the passenger seat of the police vehicle they were using for cover. Officer Babel also stated that his 40mm less lethal launcher was loaded with one round in the chamber at the start of watch (Issues and Concerns No. 3).

According to Officer Leyva-Huerta, while remaining behind the Toyota minivan, he observed Fernandez walk south, closing her distance to officers while holding the pistol to her head. Officer Leyva-Huerta aimed his shotgun at Fernandez' center body mass, disengaged the safety and placed his finger on the trigger. As Fernandez continued to move, Officer Leyva-Huerta lost visual of her and lowered his shotgun, while engaging the safety. Regarding his decision to point the shotgun at Fernandez, Officer Leyva-Huerta stated, *"She could possibly have pointed the gun at me so I was just ready for -- for, I mean, it's a fluid situation so it could just turn at any second."*¹²

Officers Csicsai, Babel and Rivera continued to verbalize with Fernandez. Officer Csicsai's BWV captured him state, *"Put it down, Please!"* Officer Babel's BWV captured him tell Fernandez, *"Put it down. No one wants to hurt you. You don't need to hurt yourself!"* Fernandez replied that she would be going to jail, so officers attempted to assure her that she was not going to jail.



Zoomed in still photo taken from Officer Rivera's BWV

As Officer Rivera remained behind the front driver door of Officer Babel's police vehicle, his BWV captured Fernandez facing in officers' direction, while standing in the driveway, near the front yard and drop the gun case on the ground. Fernandez continued to hold

¹¹ Babel, Page 16, Lines 21-24.

¹² Leyva-Huerta, Page 15, Lines 13-16.

the handgun in her right hand and point it at her head. Officer Rivera's BWV captured him asking where a beanbag shotgun or 40mm less lethal launcher was.

Officer Rivera's BWV captured Fernandez' stating, *"Shoot me! No one wants me in this world! No one! No one fucken want me! I fucken surrender myself!"*

At this time, Fernandez knelt in the driveway while still armed with a handgun, which she continued to point to her head.

According to Officer Babel, after seeing Fernandez go down to her knees, he believed, *"At that point she might actually prone herself out. So, I didn't deploy the 40. I didn't think that was the right option at that point because I thought she was going to prone herself out and drop the weapon. She did not."*¹³

According to Officer Csicsai, he continued to communicate with Fernandez and attempted to calm her down. Fernandez continued to yell at the officers wanting them to shoot her as she remained on her knees, in the driveway, while holding a handgun pointed to her head. Fernandez refused to follow officers' commands to put the gun down.

At approximately 07:50:16 hours, Officers Cardoza and Alcantar arrived at the intersection of Lorne Street and Newcastle Avenue. Officer Alcantar directed Officer Cardoza to stop the vehicle so that he could exit. Officer Alcantar then directed Officer Cardoza to give him the shotgun, which he removed from the center gun rack, and gave it to Officer Alcantar (Issues and Concerns No. 4).

Officer Alcantar directed Officer Cardoza to slowly drive the police vehicle west on Lorne Street. As Officer Cardoza drove, Officer Alcantar walked along the open passenger door of the vehicle and rested the shotgun on the top of the doorframe, pointed west. Regarding his decision to exit the vehicle and walk alongside, Officer Alcantar stated, *"I asked my partner to let me out of the vehicle so we could walk up, that way we were both not -- we're both not in the vehicle as we approached in case there's ever any issue of her (Fernandez) firing upon us and both are not in the car. One of us can address her immediately."*¹⁴

Note: Upon arrival to Lorne Street and Hesperia Avenue, Officer Alcantar broadcast his location to CD; however, they were unable to clearly hear him.

Officer Cardoza stopped the police vehicle on Lorne Street, approximately 40 feet east of the crosswalk to Hesperia Avenue. Officer Cardoza immediately exited the police vehicle and, believing the situation could escalate to deadly force, unholstered his service pistol. Officer Cardoza held his pistol in a two-handed grip, as he took a

¹³ Babel, Page 9, Lines 18-23.

¹⁴ Alcantar, Page 12, Lines 5-12.

position behind his open driver door. According to both Officers Cardoza and Alcantar, Fernandez continued to hold the gun pointed to her head. According to Officer Alcantar, Fernandez, *"pulled the slack back,"* on the trigger.

Note: According to Officer Alcantar, Fernandez switched the gun between her left and right hand many times, almost pointing the barrel of the pistol at Officers Alcantar and Cardoza.

At approximately 07:52:07 hours, Valley Traffic Division uniformed Police Officer II Evan Houser, Serial No. 41158, assigned Unit 16TL52W2, arrived at scene and parked his vehicle in front of 8030 Hesperia Avenue. Upon exiting his vehicle, Officer Houser deployed the shotgun, took cover behind a nearby police vehicle, and unloaded the shotgun rounds, which he placed into his right front pants pocket. Officer Houser then removed six slug rounds from the shotgun shell carrier and inserted each one into the magazine tube of the shotgun.¹⁵ Officer Houser then continued walking north on Hesperia Avenue, chambered a slug round and placed the shotgun sling over his neck. Officer Houser then carried the shotgun across the front of his chest with the barrel pointed downward. Regarding his decision to deploy a slug shotgun, Officer Houser stated, *"I might have to take a precise shot, you know, between vehicles, through glass or something."*¹⁶

Officer Houser took a position of cover behind the engine block of a gray Honda Civic parked on the east side of the street, to the right of Officers Csicsai and Babel. According to Officer Houser, he knelt to assess the situation as Officer Babel communicated with Fernandez.

Meanwhile, at approximately 07:53:18 hours, West Valley uniformed Police Officer III Elimelec Lemus-Morales, Serial No. 39052, and Police Officer I Angel Romero, Serial No. 43778, assigned Unit 10A21W2, arrived in the area.

As Officers Lemus-Morales and Romero approached Hesperia Avenue, on Strathern Street, they were flagged down by a male, Hispanic, later identified as Fernandez' boyfriend, Arturo Rodriguez. Officer Romero stopped the police vehicle and rolled down his driver side window to speak with Rodriguez (Investigators' Note No. 1).

According to Officer Lemus-Morales, Rodriguez informed them that he was Fernandez' boyfriend and he was the registered owner of the pistol she possessed. According to Officer Lemus-Morales, he obtained some of Fernandez' personal information to utilize it to communicate with her in an attempt to de-escalate the incident. Officer Lemus-Morales further ascertained that the pistol she possessed was a .45 caliber Glock with a ten-round magazine capacity. Officer Lemus-Morales completed a Field Interview (FI)

¹⁵ Officer Houser was slug certified on June 29, 2015, and was current on his slug qualifications. Officer Houser's shotgun was personally purchased, checked by Department Armory and documented in the Firearm Inventory Tracking System.

¹⁶ Houser, Page 8, Lines 12-14.

card on Rodriguez and advised him they would return to further interview him. According to Officer Lemus-Morales, he wanted to get officers that information because he, *"Believed that it was extremely important to know that the gun was loaded and her name."*¹⁷

Officers Lemus-Morales and Romero got back into their vehicle and drove north on Hesperia Avenue to advise officers at scene of the information they had just received.

As officers continued to communicate with Fernandez, Officer Csicsai's BWV captured Fernandez move from a kneeling position on the driveway into a seated position on the driveway, near the front yard.

At approximately 07:54:40 hours, the West Valley Watch Commander, uniformed Lieutenant I Roland Fogel, Serial No. 35306, Unit 10L10W2, advised CD that he was enroute to the radio call on Hesperia Avenue.

At approximately 7:54:45 hours, Officer Houser moved toward Officer Csicsai's position. Officer Houser advised Officer Csicsai that he was armed with a slug shotgun and he could assume Officer Csicsai's position. Officer Csicsai moved and Officer Houser assumed his position of cover behind the open passenger door, holding his shotgun in a low ready position with his index finger on the safety. Officer Csicsai now stood behind Officer Houser, with Officer Babel to his right.

At approximately 07:55:43 hours, Officers Azurin and Leyva-Huerta continued to hold their position along the front of the minivan. According to Officer Azurin, he asked Officer Leyva-Huerta to switch the shield for the shotgun, because Officer Azurin was tiring holding the shield, and Officer Leyva-Huerta complied. Once Officer Leyva-Huerta took possession of the shield, he unholstered his pistol, believing the situation could escalate to the point where deadly force might be justified.

At approximately 07:56:32 hours, Officer Houser's BWV captured him conversing with Officers Csicsai and Babel regarding the possible use of the 40mm less lethal launcher. Officers considered using the 40mm less lethal launcher but did not want to escalate the incident and the possibility of Fernandez shooting herself.

At approximately 07:56:40 hours, West Valley uniformed Sergeant I David Cueto, Serial No. 25874, assigned Unit 10L20W2, broadcast that he and West Valley uniformed Sergeant I Keith Spencer, Serial No. 32990, assigned Unit 10L40W2, would be responding Code Three to 8061 Hesperia Avenue from the 101 Freeway and White Oak Avenue.

At approximately 07:57:21 hours, Officer Houser's BWV captured officers continue to speak with Fernandez as she stood up in the driveway, still holding the handgun in her right hand. Fernandez then stepped to her left, toward the front lawn, and picked up the gun box with her left hand. Officer Babel moved behind Officer Csicsai and took a

¹⁷ Lemus-Morales, Page 22, Lines 10-12.

position behind Officer Houser who stood in the door jamb on the passenger side of the police vehicle. According to Officer Babel, he moved to the left of Officer Houser to get a better position with the 40mm less lethal launcher.

Note: According to Officer Houser, after Fernandez stood back up, he put his shotgun on target, disengaged the safety, but kept his finger along the frame.

Simultaneously, Officer Csicsai took a right kneeling position, to the right of Officer Houser, at the end of the open passenger door, using the engine block for cover. Officer Csicsai's BWV captured him raise his service pistol, with both hands, and point it at Fernandez.



Zoomed in still photo from Officer Csicsai's BWV

Fernandez continued to face officers and yell at them to shoot her. Officers Babel and Csicsai continued to communicate with Fernandez to put the gun down, but she did not comply. Officer Houser's BWV captured Fernandez walk toward officers, momentarily stopping in the middle of the driveway, on the sidewalk, as Officers Babel and Csicsai ordered Fernandez to stop.

At approximately 07:58:30, West Valley uniformed Police Officers II Kyle Olson, Serial No. 38463, and Alfred Thornton, Serial No. 38714, assigned Unit 10A99W2, arrived on Lorne Street, east of Hesperia Avenue. At approximately the same time, Valley Traffic uniformed Police Officer II Bobby Hammers, Serial No. 39217, assigned Unit 9TL55W2, also arrived on Lorne Street east of Hesperia Avenue.

Officer Thornton stopped their police vehicle and remained in the driver seat as Officer Olson exited and obtained his Police Rifle from the trunk.¹⁸ Officer Olson placed a magazine in the rifle's magazine well, chambered a round and slung the rifle in front of

¹⁸ Officer Olson completed Tactical Rifle training on June 9, 2016. Officer Olson was armed with a Department issued Colt rifle that was inspected by the Department armorer and entered into Firearm Inventory Tracking System.

him using the tactical sling. Officer Olson closed the trunk of the police vehicle and took cover behind a tree on the south side of Lorne Street. Regarding his decision to deploy a rifle, Officer Olson stated, *"I wanted to deploy my rifle because the unit that was there, I just saw them with two handguns."*¹⁹ Officer Olson further stated, *"I deployed my rifle because we could see the suspect had a gun. And from a distance, we were -- I thought, the rifle would be more accurate."*²⁰ Officer Olson advised Officer Cardoza that he was behind him with a rifle, which Officer Cardoza acknowledged.

Note: The investigation determined that Officer Alcantar had a shotgun deployed from his open passenger door. Unbeknownst to Officer Olsen, Officer Houser was also positioned on Hesperia Avenue with his slug shotgun.

Officer Thornton then slowly drove the police vehicle west on Lorne Street and parked to the right of Officers Cardoza and Alcantar's police vehicle. Officer Thornton exited his police vehicle and took a position behind the open driver door. According to Officer Thornton, he observed Fernandez on the ground, armed with the gun. Officer Thornton believed the situation could escalate to the use of deadly force and unholstered his service pistol, which he held in his right hand, in a low-ready position.

Note: According to Officer Thornton, he held his pistol in a two-handed low ready position.

Officer Cardoza then requested a 40mm less lethal launcher, which was also repeated by Officer Alcantar. Officer Thornton holstered his service pistol, unlocked the 40mm less lethal launcher from within his vehicle and removed it from the center rack.

Officer Thornton opened the breach of the 40mm less lethal launcher, inserted a live round into the chamber, and closed the breach. Officer Thornton then activated the sights and held the launcher at a low-ready as he redeployed to the right of Officer Alcantar, behind the passenger door of Officer Alcantar's vehicle.

As Officer Hammers exited his police vehicle, he removed his shotgun from the center gun rack.

Note: Officer Hammers' BWV captured him momentarily place the butt of the shotgun into the footwell of the driver's seat, with the muzzle pointed up, and reach back into the vehicle to manipulate the shotgun rack. It appeared Officer Hammers may have covered his right arm with the barrel of the shotgun.

¹⁹ Olson, Page 8, Lines 12-14.

²⁰ *Id.*, Page 8, Lines 22-24.

Officer Hammers then chambered a round in the shotgun and deployed behind the open passenger door of Officers Thornton and Olson's police vehicle. Officer Hammers held the shotgun in a low-ready position with his finger on the safety.

Shortly thereafter, Officer Olson redeployed behind the open passenger door of his police vehicle, where Officer Hammers was positioned. Officer Olson requested that he and Officer Hammers switch positions, and they did. According to Officer Olson he moved because he was concerned with crossfire and wanted to get a better visual of Fernandez. Once behind the passenger door, Officer Olson observed Fernandez on the sidewalk, on her knees, with the gun pointed to her head.

At approximately 07:58:51, Officer Houser's BWV captured Fernandez continue to ignore officers' commands as she moved to her right behind a cinder block fence, out of officers' view. Officer Houser's BWV captured him state, *"The guns out of sight, I can't see it anymore."*

According to Officer Cardoza, Fernandez moved the gun down toward her waist. Officer Cardoza further stated that he believed Fernandez was going to point the gun at himself, his partner or other officers. Officer Cardoza aimed his service pistol at Fernandez' stomach area, placed his finger on the trigger and took in the slack. Regarding this decision, Officer Cardoza stated, *"I felt that she would either shoot me, my partner, or the other officers. And at that time, like, I honestly thought to myself like, oh, crap, you know. I want to go and see -- see my daughter who's six months. I want to see my wife. So I -- I honestly thought she was going to try to point it towards us."*²¹ However, Fernandez then moved the gun back, pointed toward her head, and Officer Cardoza did not discharge his pistol.

As this was occurring, Fernandez remained behind the cinder block fence for a few seconds before moving to her left, where Officer Houser's BWV captured Fernandez holding the gun in her right hand, pointed at her head and yell, *"Hurt me! Hurt me!"* According to Officer Houser, he pointed his shotgun at Fernandez, disengaged the safety and placed his finger on the frame.

At approximately 07:59:37 hours, Officer Csicsai's BWV captured him yell, *"Alright stand-by 40, Stand-by 40,"* as he advised officers that the 40mm less lethal launcher was ready to be deployed. Officer Babel stepped forward, directly behind Officer Houser and pointed the 40mm less lethal launcher over Officer Houser's left shoulder. According to Officer Babel, he had a minor problem trying to activate the sights on the 40mm less lethal launcher before it activated. Officer Babel's BWV captured him advising Officer Houser that he was, *"over his shoulder,"* which Officer Houser acknowledged.

²¹ Cardoza, Page 9, Lines 8-14.

OIG Note No. 2: BWV evidence appears to show that Officer Babel intermittently braced the barrel of the 40mm less lethal launcher against the top of Officer Hauser's left shoulder.²²

At this time, Fernandez knelt on the sidewalk, near a telephone pole that was on the parkway near the curb. Fernandez continued to hold the handgun in her right hand pointed to her head, while holding the gun case in her left hand.

At approximately 07:59:49 hours, Officer Houser's BWV captured Fernandez squat on the sidewalk. According to Officer Csicsai, he believed that Fernandez was going to listen to officers' commands because it appeared that she was, *"going more down to the ground."*

Officers Lemus-Morales and Romero parked in front of 8048 Hesperia Avenue, exited their vehicle and approached officers at scene. Officer Lemus-Morales informed officers that the suspect's name was Julie Fernandez and she was armed with a Glock .45 caliber semi-automatic handgun. Officer Romero deployed to the rear of the police vehicle that Officers Csicsai, Houser and Babel utilized for cover.

Officer Lemus-Morales then moved to the passenger side of the police vehicle, behind the other officers. While Officer Csicsai continued to communicate with Fernandez, to lay down on the ground, Officer Lemus-Morales informed those officers that her name was Julie Fernandez and she was 19 years of age.

Officer Lemus-Morales deployed behind, and to the right of, Officer Csicsai who was still down on his right knee and Officer Lemus-Morales began to communicate with Fernandez. Fernandez continued to refuse to comply. Fernandez continued to yell at the officers as she slammed the gun case to the ground while continuing to hold the handgun in her right hand, pointed to her head. During this time, Officer Rivera holstered his pistol and moved from the driver side to the right rear passenger side of the police vehicle, next to Officer Romero. Officer Rivera's BWV captured him advising Officer Romero that they would be the arrest team if Fernandez complied and put the gun down.

Officer Csicsai and Lemus-Morales' BWV captured them discussing whether to use the 40mm less lethal launcher. After a brief discussion, officers continued to communicate with Fernandez, and the 40mm was not deployed. According to Officer Lemus-Morales, *"I did indicate to wait on the 40-millimeter. I did indicate it, because I saw her finger on the trigger with the handgun -- the barrel of the handgun firmly -- you could tell it was firmly pressed against her own temple. I had an opinion that the 40-millimeter might activate her finger to pull that trigger."*²³

²² Officer Babel's BWV.

²³ Lemus-Morales, Page 59 Line 21 – Page 60, Line 2.

At approximately 08:03:05 hours, Lieutenant Fogel arrived on scene and contacted officers who were positioned around Officer Babel's police vehicle, where he was briefed by Officers Rivera and Romero. According to Lieutenant Fogel, he began to assess the number of officers with lethal munitions deployed due to possible, "contagious fire" concerns.

Note: According to Lieutenant Fogel, he did not broadcast he was the Incident Commander, but there was no doubt in his mind he was in charge of the incident.

Sergeant Cueto arrived immediately after Lieutenant Fogel. Sergeant Spencer, who was driving behind Sergeant Cueto, stopped at Hesperia Avenue and Strathern Street and began to set up a Command Post (CP).

Sergeant Cueto took a position at the left rear bumper of the police vehicle and advised officers that he would speak with Fernandez. According to Sergeant Cueto, he observed Fernandez on her knees, holding a gun to her head, with her finger on the trigger. Sergeant Cueto opined that Fernandez was either under the influence of a narcotics or possibly suffered from mental illness. According to Sergeant Cueto, *"Taking all that into effect and being a crisis negotiator and having the training put on by the department, I felt it was best to interject. And I didn't need to redeploy my units. I didn't need to communicate with them at the time, because what I needed to do was defuse this woman who had a gun to her head. It doesn't get more serious than that."*²⁴

Sergeant Cueto removed his BWV camera from his uniform shirt, held it in his left hand, pointed at Fernandez to record her, and began to communicate with her.²⁵

OIG Note No. 3: According to Sergeant Cueto, his decision to assume the role of communicating with Fernandez was based on several factors. Seeing that Officer Lemus-Morales was trying to communicate with Fernandez, Sergeant Cueto noted, *"And I know he has a very tough accent. He talks very rapid. And if you hear his conversation, you will hear that sometimes at the end of his conversations, his speech drops off."*²⁶

According to Sergeant Cueto, *"I've also received training in the Crisis Intervention Team. I've received probably 100 hours of training regarding dealing with people who suffer from disabilities, people that suffer from mental illness, people that are under the influence of narcotics. Having a*

²⁴ Cueto, Page 8, Lines 18-25.

²⁵ Sergeant Cueto completed a 40-hour LAPD Crisis Intervention Team (CIT) course in January 2003.

²⁶ Cueto, Page 7 Line 23 – Page 8, Line 5.

*background in traffic, I know about people that have those objective symptoms. And it was clear to me it was either one or the other."*²⁷

*Sergeant Cueto continued, "And I, as a supervisor, have an obligation to my officers and to the subject, as well as community, to interject. And that's why I chose to take the leadership role. I know I'll probably get criticized for it, because it doesn't fall under the perfect folder or umbrella I need to be under. But there's a time when a supervisor needs to be a leader and take charge. And that's what I did."*²⁸

*Sergeant Cueto also indicated that the presence of a lieutenant and an additional sergeant on scene, who could provide supervision, factored into his decision to interject by attempting to communicate with Fernandez and to his continued efforts in doing so. According to Sergeant Cueto, "I knew I was the senior sergeant. I had the most amount of time on, most amount of time in the field. It would have been very negligent on my behalf to sit back and watch than to get involved and to make those tough decisions. Because ultimately what is our goal? Preservation of life. I did not want this woman to kill herself, and I was hoping that I could help. And that's why I stepped up."*²⁹

At approximately 08:04:14 hours, Lieutenant Fogle broadcast, "10L10, is there an available SMART team to respond?"

On Lorne Street, Officer Hammers opined there was ample lethal munitions deployed, walked back to his police vehicle and placed the shotgun back into the center gun rack. He closed the door to his vehicle and walked back toward Officer Olson.

Note: According to Officer Hammers, he cleared his shotgun prior to placing it back into his vehicle, however his BWV did not capture him downloading the shotgun.

At approximately 08:04:34 hours, Lieutenant Fogle's BWV captured him assessing the munitions deployed. Lieutenant Fogle informed Officer Rivera that he wanted Officer Alcantar, who was on Lorne Street, to put away the shotgun. According to Officer Alcantar, Officer Rivera verbally, and with hand gestures, directed him to put the shotgun away. Officer Alcantar's BWV captured him moving to the rear of his vehicle, downloading the shotgun, and advising his partner he would transition to less-lethal.

At approximately 08:05:05 hours, Officer Csicsai stood, while remaining at the end of the open passenger door.

²⁷ *Id.*, Page 8, Lines 7-16.

²⁸ *Id.*, Page 9, Lines 14-21.

²⁹ *Id.*, Page 49, Line 14 – Page 50, Line 18.



Zoomed in still photo from Officer Csicsai's BWV

Note: At approximately 08:05:12 hours, Officer Babel's BWV captured Officer Csicsai with his finger on the trigger of his pistol.

At approximately 08:05:25 hours, West Valley uniformed Police Officers II Jonathan Gan, Serial No. 37078, and Nathan McDougle, Serial No. 38012, assigned Unit 10A47W2, arrived on Lorne Street, east of Hesperia Avenue. Upon arrival, Officers Gan and McDougle were directed to move their police vehicle forward and replace Officers Thornton and Olson's vehicle. Officer Gan stopped his police vehicle to the right of Officer Cardoza and Alcantar's police vehicle. Officer Gan deployed his Police Rifle and stood behind his open driver door.³⁰ According to Officer Gan, he aimed his rifle at Fernandez, while watching her through the rifle scope, with his finger along the frame. Officer Olson re-assumed a position of cover behind the open passenger door with his Police Rifle, with Officer Hammers to his right, also behind the passenger door. Officer McDougle walked to the rear of his police vehicle (Issue and Concern No. 5).

Note: Officer Thornton needed to leave the scene to use the restroom, advised Officer Olson of his intention to leave, and requested Officers Gan and McDougle use their vehicle to replace his. Officer Thornton placed the 40mm on the passenger seat of the vehicle, with the muzzle facing north, instead of securing it in the rack. Officer Thornton was backing his vehicle east on Lorne Street, away from Hesperia Avenue, at the time of the Officer-Involved Shooting.

At approximately 08:06:20 hours, Officer Csicsai's BWV captured Fernandez attempt to stand, while still holding the pistol, but fall onto her buttocks. While maintaining the pistol in her right hand, and the gun case in her left, Fernandez finally stood. Fernandez then began to walk in a southeast direction, into the street, in the officers' direction, as she stated, *"Shoot me already!"*

³⁰ Officer Gan completed Tactical Rifle training on August 27, 2009. Officer Gan's Colt rifle was personally purchased, inspected by the Department armorer and placed in the Firearm Inventory Tracking System.

OIG Note No. 4: *As she stood up and began to walk toward the street, Fernandez could be heard on Officer Csicsai's BWV footage stating, "Shoot me already, fucking shoot me, fucking shoot me, I'm fucking tired of this fucking bullshit."*³¹

According to Officer Cardoza, Fernandez stepped in his direction. Officer Cardoza aimed his pistol at Fernandez' stomach and placed his finger on the trigger. However, Fernandez then started to walk in Officer Csicsai's direction and Officer Cardoza did not discharge his pistol.

According to Officer Csicsai, once Fernandez was in the street, she looked in his direction and moved the gun away from her head. According to Officer Csicsai, Fernandez moved the gun in his direction. At this time, Officer Csicsai aimed his pistol at the center of Fernandez' upper torso and discharged five rounds from his pistol, from a distance of approximately 40 feet. Regarding his decision to discharge his pistol, Officer Csicsai stated, *"I was in fear for my life, that the suspect, being in possession of a firearm, and having her closing the distance, walking in a direction that would be flanking me, putting me into the kill zone where now I have no cover, her hand coming towards me in my direction, and her looking at me, obtaining my location where I am, I believed that she was acquiring -- she was going to acquire her sights and fire her fire -- her weapon at me."*³²

OIG Note No. 5: *Officer Csicsai's BWV footage shows that Fernandez moved the gun away from her head and raised it in the general direction of officers at the scene prior to Officer Csicsai firing his first round.*³³

Note: According to Officer Houser, at the time of the Officer-Involved Shooting, Fernandez was pointing the gun to her head, with her finger on the trigger.

According to Officer McDougale, he heard someone yell, "less lethal," just prior to Officer Csicsai discharging his pistol.

³¹ Officer Csicsai's BWV.

³² Csicsai, Page 44, Line 18 - Page 45, Line 1.

³³ Officer Csicsai's BWV.



**Zoomed in still photo from Officer Csicsai's BWV
at the approximate time of the OIS**

According to Lieutenant Fogel, he told Officer Csicsai to, "*cease fire.*" According to Officer Csicsai, he believed that all his rounds struck Fernandez as she dropped her pistol and gun box onto the ground. Officer Csicsai's BWV captured Fernandez then walk back to the parkway and fall to the ground. According to Officer Houser, he then engaged the safety on his shotgun.

Note: A review of Officer Csicsai's BWV revealed that Fernandez walked into the street holding the gun to her head. After a few steps, Fernandez moved the gun away from her head and Officer Csicsai discharged his first round. After the first round, Fernandez appeared to react and dropped the pistol, while still holding the gun box, as she bent forward. As Officer Csicsai discharged rounds two through five, Fernandez turned to face in a west direction, while still bent forward. Fernandez then dropped the gun box and walked west, onto the parkway, where she fell to the ground.

The investigation determined that Officer Csicsai discharged his five rounds in approximately three seconds.

The time from Lieutenant Fogel's arrival and the Officer-Involved Shooting was approximately 3 minutes and 30 seconds.

According to Officer Csicsai, after discharging his rounds, he knew there were officers near him and believed that he had a clear path to approach Fernandez. Officer Csicsai requested officers to form a contact team, with himself, to take Fernandez into custody. Officers Lemus-Morales and Romero formed behind Officer Csicsai. According to Officer Lemus-Morales, he observed that Fernandez had a backpack on her person. Officer Lemus-Morales was uncertain if Fernandez possessed additional weapons and unholstered his pistol, which he held in low ready position, with his finger along the side rail.

Officers Csicsai, Lemus-Morales, Romero, Houser, Leyva-Huerta, Babel, Sergeant Cueto and Lieutenant Fogel approached Fernandez from Hesperia Avenue while Officers Alcantar, Cardoza and Olson approached from Lorne Street. Officer Lemus-Morales observed officers approaching from Lorne Street and holstered his pistol. According to Lieutenant Fogel, he observed officers approaching from Lorne Street and directed them to stay back. Officers Alcantar and Cardoza stopped where Fernandez dropped the gun and gun box and Officer Olson stopped in the middle of the street (Issues and Concerns No. 6).

Officer Lemus-Morales' BWV captured Fernandez lying on her left side, facing away from officers as they made their approach. Officer Romero removed his handcuffs and grabbed Fernandez' left hand, and Officer Lemus-Morales grabbed her right hand. Officer Romero placed the handcuffs on her left wrist and obtained Fernandez' right arm from Officer Lemus-Morales and completed handcuffing. Sergeant Cueto directed officers to secure their weapons. Officers Csicsai, Leyva-Huerta, Cardoza and Alcantar holstered their pistols.

Note: According to Officer Romero, Officer Lemus-Morales was first to approach and Officer Csicsai was the last.

According to Officer Lemus-Morales, Fernandez was on her knees, slumped forward when he grabbed Fernandez' right hand.

At approximately 08:06:40 hours, Officer Gan broadcast, *"Give me an RA. I have the subject down. It looks like she may have some gunshot wounds."*

At approximately 08:07:45 hours, LAFD personnel arrived at the incident scene and began to render medical aid to Fernandez for multiple gunshot wounds.

Note: The time from the Officer-Involved Shooting to LAFD arrival at scene was approximately 1 minute and 15 seconds.

According to Officer Lemus-Morales, he attempted to remove Fernandez' backpack; however, Officer Romero had completed handcuffing and he was unable. Officer Romero obtained a knife from Officer Houser and cut the right strap to Fernandez' backpack. According to Officer Lemus-Morales, a paramedic used scissors to cut the left strap of the backpack and he removed it. Officer Lemus-Morales searched Fernandez' rear waistband and lifted the back of her shirt to make sure there were no additional weapons. Officer Lemus-Morales then searched Fernandez' backpack and did not locate any additional weapons.

Note: According to Officer Romero, neither he nor Officer Lemus-Morales searched Fernandez prior to removing her handcuffs for medical treatment by paramedics.

Officers Olson and Houser responded back to their respective police vehicles and unloaded their weapons. Once Officer Houser unloaded the slug rounds, he placed the

buckshot rounds back into shotgun magazine tube. Officer Babel placed the 40mm less lethal launcher in the trunk of his police vehicle.

Note: Officer Babel's BWV captured him place the 40mm less lethal launcher in the trunk of his vehicle without unloading it.

Los Angeles City Fire Department personnel placed Fernandez inside the Rescue Ambulance and transported her to Dignity Health - Northridge Hospital Medical Center, with Officer McDougale riding in the RA, followed by Officer Gan.

At approximately 0810 hours, Sergeant Spencer responded from the CP to the Officer-Involved Shooting location and was directed by Lieutenant Fogel to obtain a Public Safety Statement from Officer Csicsai. At approximately 0815 hours, while sitting in his police vehicle, Sergeant Spencer obtained a Public Safety Statement from Officer Csicsai.

Force Investigation Division Detective II Joseph Vasquez, Serial No. 35412, reviewed all documents and circumstances surrounding the separation, and monitoring of the involved officers (Addendum No. 1) (Issues and Concerns No. 7).

Scene Description

The OIS occurred at the intersection of Hesperia Avenue and Lorne Street, near 8061 Hesperia Avenue, in the City of Reseda. Hesperia Avenue was a north/south residential street with a single lane of travel in each direction and parking along the east and west curbs. Lorne Street was an east/west residential street, with a single lane of travel in each direction and parking along the north and south sides of the street. This area consisted of single-family residences on both Hesperia Avenue and Lorne Street. Cantara Street Elementary School was located on the northeast corner of Hesperia Avenue and Lorne Street.

Note: The Officer-Involved Shooting occurred on Sunday and school was not in session.

The Officer-Involved Shooting occurred during daytime hours, at approximately 0807 hours. At the time of the OIS, there was no artificial lighting illuminating the area. The environmental conditions were dry and cloudy.

Canvass for Witnesses

On May 26, 2019, Los Angeles Police Department West Valley Area personnel and FID investigators canvassed the area of Hesperia Avenue and Lorne Street, for witnesses to the OIS. Two additional canvasses were completed by FID investigators on June 4, 2019 and June 26, 2019. The parameters of the canvass included Hesperia Avenue between Strathern Street and Cantara Street. The west side of Newcastle Avenue from Strathern Street to Lorne Street was also canvassed.

There were a total of nine witnesses located who were recorded. There were a total of 20 witnesses who heard gunshots only. The amount of gunshots heard by civilian and sworn witnesses ranged from two to six. Unless otherwise noted, the statements of all witnesses were recorded and transcribed and are contained in this report.

Suspect Information

Julie Fernandez was a female, Hispanic with brown hair and brown eyes³⁴. At the time of the Officer-Involved Shooting, Fernandez was 5 feet and 1 inch tall, weighed 140 pounds, and was 19 years of age, with a date of birth of April 8, 2000. Fernandez resided at 8001 Hesperia Avenue, in the City of Reseda. Fernandez was identified by California Information and Identification Number (CII) A37341361 (Addendum No. 2).

Fernandez did not have previous convictions but had two previous arrests for Battery and Terrorist Threats. Fernandez was not currently on Parole or Probation. She was not in a criminal street gang. Fernandez had one prior LAPD Mental Evaluation Unit (MEU) contact in October 2018.

An Arrest Report for ADW On A Police Officer was completed, listing Officer Csicsai as the victim, under Division of Records (DR) No. 1910-10337 (Addendum No. 3).

On May 26, 2018, FID Criminal Apprehension Team (CAT) Detective II Francisco Alvelais, Serial No. 30865, completed an Investigative Report (IR) for Assault With a Deadly Weapon, listing Julie Fernandez as the suspect and Officer Csicsai as the victim. Fernandez was booked under booking number 5640539.

Investigators interviewed Fernandez at Los Angeles County University of Southern California Medical Center (USCMC). Investigators read Fernandez her Miranda Rights, which she waived, and she agreed to speak. Fernandez stated that she consumed two beers and, "was just not in my right mind." She admitted that, "I think if I was sober, I wouldn't have done what I did."³⁵

Fernandez indicated that she obtained her boyfriend's (Rodriguez) pistol from the gun box, which was under a pillow inside their bedroom. Fernandez stated she took the unloaded pistol, walked outside, and loaded the gun.

Note: According to Rodriguez, the gun was stored in the gun box, under their bed.

While walking on Hesperia Avenue, Fernandez stated that she discharged one round in the air. Fernandez admitted to being on the cellular telephone with her mother when the officers arrived and the phone charge ran out. According to Fernandez, once the

³⁴ Fernandez was wearing a white and black wig at the time of the incident.

³⁵ Fernandez, Page 32, Lines 22-23.

officers arrived, she told them that she wanted to put the gun down, and not to shoot her.

Note: This statement by Fernandez was not captured on any BWV or DICVS.

Fernandez admitted pointing the gun to her head. Fernandez also stated that she wanted to put the gun down but, *"Then I looked, they were going to shoot at me either ways to put me down. And, like, I was scared at the moment."*³⁶ Fernandez further stated, *"I walked to them for purpose -- purposely for me not to hurt myself. It was like for me just die to die, you know?"*³⁷ According to Fernandez, her gun was pointed at her head when she walked towards officers.

Note: During the crime scene investigation one .45 caliber discharged cartridge case was recovered in front of 8031 and one live ammunition cartridge case was recovered from the driveway of 8055 Hesperia Avenue. Additionally, there was a discharged cartridge case located in the chamber of Fernandez' gun.

On May 29, 2019, Los Angeles County District Attorney's Office, Deputy District Attorney (DDA) Cynthia Meagher-Walker filed one count of 245(D)(1) PC – Assault With a Deadly Weapon on a Peace Officer.

Injuries

Los Angeles City Fire Department Rescue Ambulance No. 100 responded to the location. Firefighter/Paramedics Kush and Vavrin administered medical treatment. In order to treat Fernandez for multiple gunshot wounds (GSW), her handcuffs were removed upon LAFD personnel's request. Fernandez was then transported by ambulance to Dignity Health - Northridge Hospital Medical Center. Fernandez was treated by Dr. Uthaiiah Kokkalera, Medical Record Number (MRN) 123-24-98(N).

Doctor Kokkalera documented an entry wound to the right side of Fernandez' chest with an exit wound in her back. There were two entry wounds to Fernandez' right arm with an exit wound to her right arm also documented. Fernandez sustained a gunshot wound to her left elbow that exited, with fractures to her radius and ulna bones. Fernandez sustained a gunshot wound to the front of her left thigh that exited through the back of her thigh (Addendum No. 4).

Note: Fernandez was later transferred to USCMC for further treatment of her elbow.

³⁶ Fernandez, Page 6, Lines 20-22.

³⁷ *Id.*, Page 7, Lines 9-11.

Fernandez' consented to sign an Authorization for Release of Medical Information form. Her medical records were obtained and are on file in the FID case book.

Fernandez' Blood Alcohol Content (BAC) was documented to be .141%.

Note: The medical records document Fernandez' intoxicate reading in Ethanol at 141mg/dL.

On May 28, 2019, Detective Vasquez notified Mental Evaluation Unit, Police Officer II Arturo Contreras, Serial No. 31645, of the incident.

Evidence

On May 26, 2019, FID-CAT Detective II Jeffrey Martin, Serial No. 32877, responded to Dignity Health - Northridge Hospital Medical Center and recovered the following items from Fernandez: Buccal Swabs (Items No. 1), Gun Shot Residue (GSR) kit (Items No. 2), an expended bullet (Item No. 3), a wig (Item No. 4) and earrings (Item 5).

On May 26, 2019, Forensic Science Division (FSD), Firearms Analysis Unit (FAU), Criminalists II Annette Woiwode, Serial No. N4427, and Jennifer Dorrel, Serial No. N5003, responded and processed the scene for evidence. As a result of their examination 54 items were booked at Forensic Science Center (FSC) in conjunction with this crime scene investigation (Addendum No. 5).

Included in these items were: Narcotics (Items No. 6 through 8), currency (Items 9 and 10), a pistol (Item 11), magazines (Items 12 and 13), cartridges (Items 14 through 16), discharged cartridge cases (Items 17 through 23), a fired bullet (Items 24 through 27), a gun case (Item 28), miscellaneous cards (Items 29 through 36), a cell phone (Item 37), sandals (Item 38), a sweater (Item 39), a backpack (Item 40), a wallet (Item 41), business cards (Item 42), miscellaneous papers (Items 43 and 45), balloons (Item 44), gum (Item 46), a gel pad (Item 47), cable (Item 48), various make-up products (Items 49, 54 through 56), keys (Item 50), cable (Item 51), leather piece (Item 52), miscellaneous papers (Item 53), cigarillo zippered package (Item 57), a cleaning brush head (Item 58), a coupon ticket (Item 59), swabs (Items 60 through 65), a cartridge case (Item 66) and a fired bullet (Item 67) (Addendum No. 6).

Weapons

Fernandez was armed with a 45 caliber, semi-automatic, Glock, Model 30, Serial No. BFFY914. While conducting the render safe, Criminalist Dorrel documented the pistol was lying on its right side, with the muzzle pointing east, and the magazine was fully inserted. The pistol was visually examined and unloaded at the scene. Four cartridges were removed from the magazine and one discharged cartridge case was removed from the chamber of the pistol (Addendum No. 7).

The Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives Tracing Center conducted a firearm trace on the above pistol. The summary of the

results determined that the pistol was purchased on March 12, 2019 and registered to Arturo Rodriguez (Fernandez' boyfriend).

Officer Csicsai was armed with a Department authorized Glock 22, 40 caliber semiautomatic service pistol. The capacity of the weapon, when fully loaded, is 15 cartridges in the magazine and one cartridge in the chamber, for a total of 16 cartridges. According to Officer Csicsai, at the time of OIS, his pistol was loaded to capacity.

On May 26, 2019, at 1518 hours, FID Detective II Alberto Rosa, Serial No. 26598, conducted a post-incident inspection of Officer Csicsai's service pistol. An inspection of the magazine in Officer Csicsai's service pistol, revealed that it contained ten Department authorized Smith and Wesson (S&W) Winchester Ranger, 40 S&W, 180 grain, T-series, RA40T cartridges and one cartridge in the chamber, for a total of 11 cartridges. There were five discharged cartridge cases recovered from the area in front of 8054 Hesperia Avenue. This number is consistent with the magazine count indicating Officer Csicsai discharged five rounds from his service pistol during the OIS (Issues and Concerns No. 8).

Officer Csicsai's second magazine contained a total of 15 Department authorized S&W Winchester Ranger, 40 S&W, 180 grain, T-series, RA40T cartridges. Officer Csicsai's third magazine contained a total of 13 Department authorized Speer, LE Gold Dot G2, 40 S&W, 180 grain, load #53999, and two Department authorized S&W Winchester Ranger, 40 S&W, 180 grain, T-series, RA40T cartridges.

On July 10, 2019, Forensic Science Division (FSD) / Firearms Analysis Unit (FAU) Criminalist III Brian Reinartz, Serial No. N5624, finalized a report documenting the test fire results from Officer Csicsai's service pistol, which was found to be functional and within Department specifications (Addendum No. 8).

On December 05, 2019, Detective Vasquez conducted a query of Officer Csicsai's pistol through the Department Firearm Inventory Tracking System (FITS). Officer Csicsai's pistol was registered with the Department Armory on June 10, 2008.

Firearms Analysis

On May 26, 2019, Criminalist Dorrel conducted an examination of the OIS scene for ballistic impacts, trajectories and projectiles. Criminalist Dorrel identified two impacts with two corresponding pathways:

Pathway A indicated that a non-penetrating impact (Impact A), located on the south side of the north concrete wall at 8061 Hesperia Avenue, was consistent with a bullet traveling south to north, east to west and in a downward direction.

Pathway B indicated that a perforating and penetrating impact (Impacts B, B1), located on the gun case lid collected from the street in front of 8061 Hesperia Avenue, was consistent with being caused by a bullet. However, no directions could be determined

due to the condition of the impacts and the locations of the impacts on a movable object (Addendum No. 9).

On July 3, 2019, FSD FAU Criminalist II Daniel Rubin, Serial No. G9077, finalized a report documenting Fernandez' pistol test fire results. Criminalist Rubin determined that Fernandez' pistol functioned as designed. The capacity of the pistol, when fully loaded, is one round in the chamber and ten rounds in the magazine for a total of 11 cartridges. Additionally, representative images were entered into the NIBIN database.

Criminalist Rubin determined that the .45 caliber discharged cartridge case recovered from the sidewalk in front of 8031 Hesperia Avenue and the .45 caliber discharged cartridge case removed from the chamber of Fernandez' pistol, were fired from Fernandez' pistol (Addendum No. 10).

On July 26, 2019, FSD/FAU Firearms Analyst Genaro Arredondo, Serial No. N4417, completed a type and caliber report documenting that a projectile recovered on Hesperia Avenue, south of Cantara Street, exhibited the general rifling characteristics as the test fired projectiles from Officer Csicsai's pistol (Addendum No 11).

Note: The crime scene investigation located a fired projectile inside of the Glock gun case (Item No. 27) carried by Fernandez, a fired bullet from the driveway of 8061 Hesperia Avenue (Item No. 24), and a fired lead core (Item No. 25) in the front lawn of 8061 Hesperia Avenue. At the time of this report, investigators were awaiting test results on these items.

On November 4, 2019, Criminalist Dorrel finalized a report documenting the collection of DNA swabs (Items Nos. 60 through 65). No DNA testing was requested due to sufficient amount of video evidence (Addendum No. 12).

Visual Documentation

Digital In-Car Video System (DICVS)

The DICVS of Officers Csicsai and Azurin, Unit 10A17, Shop No. 80457, was reviewed and captured the officers' Code Three response and arrival. Due to the position of their vehicle, the video did not capture the OIS.

The DICVS of Officers Babel and Leyva-Huerta, Unit 10A3, Shop No. 80557, was reviewed and captured the officers' Code Three response and arrival. The video captured a portion of the OIS.

The DICVS of Officers Alcantar and Cardoza, Unit 10A39, Shop No. 89611, was reviewed and captured the officers' Code Three response and a portion of the OIS.

Force Investigation Division Detectives reviewed all the DICVS of the responding units from West Valley Division. Investigators determined these DICVS did not capture the OIS and did not contain any additional investigative insight.

Body Worn Video (BWV)

FID investigations reviewed all BWV from the personnel at scene at the time of the OIS. The following is a brief synopsis of those BWVs which contained significant investigative insight.

BWV from Officer Csicsai was activated and recorded one video that captured his Code Three response and the OIS.

The BWV from Lieutenant Fogel was activated and recorded one video that captured his arrival and a portion of the OIS.

The BWV from Officer Cardoza was activated and recorded one video that captured his Code Three response and a portion of the OIS.

The BWV from Officer Houser was activated and recorded one video that captured his Code Three response and a portion of the OIS.

The BWV from Officer Hammers was activated and recorded one video that captured his Code Three response and a portion of the OIS.

The BWV from Officer Romero was activated and recorded one video that captured his Code Three response and a portion of the OIS, including the arrest.

The BWV from Officer Lemus-Morales was activated and recorded one video that captured his Code Three response and the arrest.

Additional West Valley Patrol Division uniformed police officers activated their BWV while enroute to the incident, after the OIS. These videos did not provide any additional investigative insight (Issues and Concerns No. 9).

Social Media

Personnel assigned to FID's Cyber Unit monitored social media sites from the date of the incident until the submission of this investigation. No additional evidence, information or witnesses were identified.

Other Department Video

There are no other Department videos of this incident.

Outside Video

On May 26, 2019, FID Detective Rosa obtained video surveillance from 8101 Hesperia Avenue. There were a total of six video clips that contain video and no audio. All six videos captured the officers' actions on Lorne Street, prior to and after the OIS, but did not capture the OIS or Fernandez in the street.

Note: The video timestamp was approximately four minutes ahead of the actual incident time.

On June 28, 2019, Technical Investigation Division Police Surveillance Specialist Jesus Bravo, Serial No. N5339, responded to and obtained video surveillance from 8054 Hesperia Avenue. The video is motion activated and two camera channels captured a total of 66 video clips during the time officers were at scene. Channel One faced in a northwest direction facing the intersection of Hesperia Avenue and Lorne Street and captured 26 video clips. Channel Three faced north towards Lorne Street and captured 40 video clips. The videos captured officers' movements on Lorne Street, but did not capture the OIS.

Note: The video timestamp was approximately three hours behind the actual incident time.

Photographs

Technical Investigation Division Photographers Karen Coogle, Serial No. V8680, and Raymond Wong, Serial No. N3127, responded and photographed the scene, Fernandez, personnel at scene, and additional evidence. The photos are stored under Control Nos. D0645223, D0645224, D 0769465, D0769491 and D0644890.

[...]

Investigators' Notes

1. According to Rodriguez, he and Fernandez have been involved in a dating relationship for approximately five years and have been living with his mother for two years at 8001 Hesperia Avenue. The morning of the OIS, Fernandez was supposed to pick up Rodriguez from work at 0630 hours. Fernandez failed to pick him up causing, Rodriguez to take an Uber home. Upon his arrival home, Rodriguez observed Fernandez arguing with an unknown male, for an unknown reason. Rodriguez attempted to break-up the verbal confrontation between Fernandez and the male. Rodriguez stated he tried to talk to the guy and calm things down because he didn't know what was going on.

Note: At approximately 0713 hours, Officers Csicsai and Azurin responded to a radio call of an Assault with a Deadly Weapon (ADW) with a vehicle at 8001 Lindley Avenue (Incident No. 190525001304). According to their electronic Daily Field Activities Report, their

investigation revealed there was only a verbal dispute due to road rage, and there was no collision at the location. They searched the area for the suspect and her vehicle with negative results.

Rodriguez stated in his interview that his grandmother, Elena Perez, witnessed the incident. Investigators determined that Perez witnessed part of the argument between Fernandez and the unidentified male, but she did not witness any part of the OIS. Therefore, she was not interviewed.

Rodriguez further stated that as he was speaking with the male, he told Fernandez go inside their residence to rest. According to Rodriguez, he was unaware that Fernandez left the residence had also taken his pistol without his permission. Rodriguez described the firearm as a Glock, .45 caliber, with a ten-round magazine, that he kept in a gun case, with a lock, under his bed. Once Rodriguez entered his residence, he noted that Fernandez was gone and telephoned her. Fernandez advised Rodriguez that she was going to kill herself. Rodriguez left his residence to look for Fernandez but was unsuccessful.

Note: Rodriguez was captured on Officer Cardoza's BWV stating that he was "almost off probation." The investigation revealed that Cardoza was on summary probation for vandalism, however he was not legally prohibited from owning a firearm.

OIG Note No. 6: On March 23, 2020 FID advised the OIG of a typo in the preceding note. The second sentence in the note was intended to reference Rodriguez instead of Officer Cardoza.

Issues and Concerns

1. The buffering of Officer Azurin's BWV captured him riding in the police vehicle. At approximately 2:07 run time in Officer Azurin's BWV, the video captured him securing his seatbelt.
2. Officer Csicsai's profanity was captured on West Valley's base frequency.
3. Officer Babel advised he loaded a round in the chamber of his 40mm less lethal launcher at the start of watch. Additionally, when he secured the 40mm less lethal launcher in the trunk of his vehicle following the OIS, he did not unload it. According to Police Officer III Corey Tomlinson, Serial No. 36291, In-Service Training Division, the 40mm less lethal launcher will be stored unloaded while on patrol and loaded upon arrival to the location of a Code Sam or Code Sam 40 request.
4. Officer Cardoza was seated in the driver's seat of their patrol vehicle when he unlocked the loaded shotgun from the rack. He handed the shotgun to Officer Alcantar with stock of the shotgun towards Officer Alcantar, and the muzzle in his

own direction. It appeared from Officer Alcantar's BWV that the muzzle of the shotgun covered Officer Cardoza.

5. Before responding to the intersection of Hesperia Avenue and Lorne Street, Officers Gan and McDougale arrived at the intersection of Cantara Street, west of Hesperia Avenue at approximately 07:48:44 hours. Officers Gan and McDougale remained in their vehicle while being briefed by Officer Clodfelter. Officer Gan parked their vehicle and Officers Gan and McDougale exited their vehicle. Officer Gan walked along the driver side of his vehicle where he deployed his Police Rifle, facing south, over the hood of his vehicle and used the rifle optic to view Fernandez.

Regarding his rationale for deploying his rifle at this time, Officer Gan stated, *"For the optics alone. For the optics alone because from our distance it's hard to tell what the subject was doing."*³⁸ Regarding his decision to place a magazine into the rifle and make ready for fire before using the optics, Officer Gan stated, *"Because I just didn't know what I was going to encounter while looking through the optics."*³⁹

When Officers Gan and McDougale redeployed to Lorne Street and Hesperia Avenue, Officer Gan maintained his rifle across his chest, muzzle pointed down, as he drove the police vehicle. According to Officer Gan, there was not any discussion with Officer McDougale to let him drive while Officer Gan maintained control of his rifle.

Note: Officers Gan and McDougale's BWVs captured them briefly discussing the topic of Officer McDougale driving, prior to redeploying to Lorne street.

According to Officer Gan there was no immediate discussion regarding where officers were located. Additionally, Officer Gan was asked at what point did he learn where the other units were located. He stated, *"Right before we approached Lorne."*⁴⁰

Note: Officer Gan's BWV captured Officer Clodfelter telling Officers Gan and McDougale that officers were located on Lorne Street and Hesperia Avenue.

6. Officer Alcantar was in the process of securing his shotgun in the center rack of his police vehicle as the OIS occurred. Officer Alcantar's BWV then captured him unlock the 40 mm less lethal launcher from the center rack. Officer Alcantar removed the 40mm launcher from the rack and left it on the front passenger seat of the police vehicle to approach Fernandez.

³⁸ Gan, Page 26, Line 24 – Page 27, Line 1.

³⁹ *Id.*, Page 27, Lines 5-6.

⁴⁰ *Id.*, Page 32, Line 8.

7. The following discrepancies were noted regarding the documentation of the separation and monitoring of officers:
- Sergeant Spencer separated Officer Csicsai and obtained a public safety statement at approximately 0815 hours. At approximately 08:24:13 hours, Sergeant Spencer's BWV captured him leaving Officer Csicsai at the CP while he walked back to the location of the OIS to brief Lieutenant Fogel. Sergeant Spencer walked back to the CP at approximately 08:27:12 hours. Additionally, at approximately 08:29:12 hours, Officer Csicsai broadcast a request for officers to obtain witness information. Officer Cardoza's BWV captured him discussing obtaining the information with Officer Csicsai and Sergeant Spencer.
 - The Watch Commander's log indicated that Sergeant Cueto was initially monitored by Sergeant Austin, however Sergeant Cueto's Log indicated he was only monitored by Sergeant Lugo.
 - Sergeant Austin's log indicated that Sergeant Torres took over monitoring Sergeant Cueto at 1100 hours. Sergeant Torres' log did not document his monitoring of Sergeant Cueto. Additionally, the Watch Commander's log did not indicate Sergeant Torres monitored any employees.
 - According to the Watch Commander's log, group monitoring was conducted; however, there was no justification for this documented in the log, as required per Department Manual section 3/795.10.
8. During the magazine count, the investigation revealed that Officer Csicsai's first and second magazines were loaded with previously authorized Winchester Ranger 40 S&W, 180 grain, T-series, RA40T cartridges. Officer Csicsai qualified, prior to the OIS, on March 7, 2019. According to Personnel and Training Bureau Notice, dated May 7, 2019, Officer Csicsai should have transitioned to the new Speer LE ammunition during this qualification cycle, and discontinued the use of the old ammunition.
9. The investigation revealed the following issues regarding BWV activations:
- Sergeant Cueto's BWV was not activated during this incident. According to Sergeant Cueto, he believed that he activated his BWV upon exiting his vehicle at scene. However, Sergeant Cueto stated that during the course of, "hitting the camera," it either shut off or it did not activate. Sergeant Cueto stated that he did realize that his BWV did not activate until speaking with Officer Csicsai, after the Officer-Involved Shooting.

Force Investigation Division Detective III Luis Alarcon, Serial No. 30383, conducted an audit of Sergeant Cueto's BWV. Detective Alarcon informed investigators that the audit did not distinguish if Sergeant Cueto attempted to turn on his BWV. Detective Alarcon contact Sergeant II Rogelio Nunez, Serial No. 30186, Tactical

Technology Division, who informed him that he was uncertain why current audit results are more limited than previous results. Sergeant Nunez stated that he was going to contact AXON to inquire about current audit capabilities. At the time of this report, AXON had yet to provide further information on the matter.

- After leaving Cantera Street at approximately 08:04:43 hours, Officer Gan turned off his BWV while enroute to Lorne Street. He did not reactivate it until after the Officer-Involved Shooting. The investigation determined that Officer Gan's BWV was deactivated from approximately 08:04:43 hours until 08:08:16 hours.
- Officer Cardoza's BWV had approximately four seconds of buffering prior to activation.
- Officer Clodfelter's BWV had approximately 12 seconds of buffering prior to activation.
- Officer Csicsai's BWV did not have any buffering prior to activation.
- According to Officer Gastellum, she activated her BWV approximately one minute after she began her Code Three response.
- Officer Olsen's BWV had approximately 49 seconds of buffering prior to activation.
- Officer Thorton's BWV did not capture his Code Three response. Additionally, he activated his BWV approximately two minutes after he arrived at scene.

Note: Force Investigation Division, Police Officer III Chant Salbazian, Serial No. 37208, conducted BWV audits on all officers that did not have two full minutes of buffering on their BWVs. The audit revealed that in all cases, this was due to the power on the camera being shut off.

[This space intentionally left blank.]

CHIEF OF POLICE REPORT⁴¹

Chief of Police Findings

Tactics – Administrative Disapproval, Sergeant Cueto. Tactical Debrief, Lieutenant Fogel, and Officers Csicsai, Houser, and Babel.

Drawing/Exhibiting – In Policy, No Further Action, Officers Csicsai, Houser, and Babel.

Lethal Use of Force – In Policy, No Further Action, Officer Csicsai.

Chief of Police Analysis

Detention

Officers Csicsai and Azurin responded to a radio call of a suicidal female with a handgun, later identified as Fernandez. After the officers arrived and approached the location, they observed Fernandez holding a handgun to her head and making suicidal statements. The officers took positions of cover as they verbalized with Fernandez in an attempt to disarm her and take her into custody. The officers waited for the arrival of backup units and upon their arrival, the officers continued their attempts at de-escalation. Fernandez walked in the direction of the officers and moved the handgun from her right temple towards Officer Csicsai, and nearby officers. Fernandez closed the distance while shouting at the officers to kill her, resulting in an OIS. The officers' actions were appropriate and within Department policies and procedures.

Tactics

- Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

⁴¹ The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)**

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

- **Planning** – While enroute to the radio call, Officers Csicsai and Azurin reviewed the comments of the call and discussed options they could use, such as deploying their ballistic shield, how they would approach, and how they could have other units approach the scene. Officer Csicsai stated he shut down the siren to cautiously approach the radio call location. Officer Csicsai drove slowly on Hesperia Avenue to keep an effective distance. Officers Csicsai and Azurin observed the location from a safe distance, parked, and exited their police vehicle. Officer Azurin retrieved the ballistic shield and Officer Csicsai retrieved their 40mm LLL and slung it across his back, so his hands would be free. Both officers utilized parked vehicles as cover as they approached additionally advising responding units to respond northbound. They observed Fernandez with a handgun to her head, shouting at the officers to kill her. Officer Houser stated he recalled the comments were a suspect holding a gun to her head and had walked behind a vehicle. Upon exiting his vehicle, Officer Houser deployed his shotgun and switched his buckshot shells to slug shells. Officer Houser stated he switched to slug shells due to his belief that he might have to take a precise shot, between vehicles, and possibly through glass.

The UOFRB noted Officers Csicsai and Azurin created and implemented a tactical plan while dealing with a dynamic incident. Their tactical approach took into consideration distance, cover, and less lethal options, granting them time to communicate with responding units and Fernandez. During communication with Fernandez, Officer Csicsai allowed different officers to communicate with her, in an effort to gain her compliance, disarm her, and take her into custody. Officer Csicsai's assessment of the situation led him to redeploy units to advantageous positions and request traffic blocks, in an effort to contain the incident. The UOFRB noted the plan did not address options if Fernandez began walking away, nor did their perimeter cover if Fernandez walked west toward the residences along the westside of Hesperia Avenue.

- **Assessment** – Officers Csicsai and Azurin assessed the nature of the radio call, the behavior of Fernandez, and the type of weapon used. Officer Csicsai was

the initial contact person with Fernandez but allowed other officers to communicate with her when she was non-compliant to his commands. Officer Csicsai's assessment caused him to redeploy units to better positions to observe and contain Fernandez. Officer Csicsai and Babel assessed and determined they did not want to escalate the situation to deadly force by deploying the 40mm LLL. Officer Csicsai considered that if the 40mm LLL were fired at Fernandez and they missed, Fernandez would begin shooting at them. Officer Babel considered a downside to using the 40 mm LLL would be causing Fernandez to inadvertently pull the trigger, while she held the gun to her head. Officer Csicsai assessed between each round of fire allowing him to observe Fernandez' response and ultimately reduced the amount of fire necessary to preserve his life and the life of those around him. Officer Houser approached the scene and assessed the best position for his weapon system which would be to assume Officer Csicsai's position of cover at the passenger door of a police vehicle. Lieutenant Fogel arrived at scene and immediately began obtaining situational awareness. As he was being briefed by officers, he was additionally assessing the lethal and less lethal weapons deployed, as well as assuring officers were behind cover. He assessed that there were too many lethal weapons deployed and was concerned about contagious fire. He had directed one officer to put away his shotgun, prior to the OIS.

Officer Csicsai's assessment between each round reflected consideration to prevent unnecessary or excessive lethal force. Although Fernandez was still in a standing position after Officer Csicsai's last round, he assessed she was no longer a threat and was not holding her handgun. Officer Csicsai had not only requested an air unit, back up, and a supervisor but went on to request LAFD to stage nearby and requested additional resources. However, Officer Csicsai's assessment between each round helped him overcome those challenges and provided him the ability to view Fernandez' hands, which were below his field of vision while he was up on target.

- **Time** – Officers Csicsai and Azurin used cover and distance in their approach to the radio call location and during the incident, allowing them the time to communicate with Fernandez and other units. They utilized approximately 20 minutes at scene to gather resources, assess force options, redeploy units, and to communicate with Fernandez. Officer Csicsai also used time between each round of fire and subsequently slowed his pace of fire between shots three through five.
- **Redeployment and/or Containment** – Upon making initial contact with Fernandez, Officers Csicsai and Azurin used distance and cover to safely communicate with Fernandez. As Fernandez walked between two vehicles, they temporarily lost sight of her. Officer Csicsai's assessment caused him to redeploy units to better positions to observe and contain Fernandez. Officer Csicsai directed units to respond to Lorne Street, to gain a better visual of Fernandez. He additionally contained Fernandez by directing units to control all

traffic north, south, and east of the Fernandez.⁴² Officer Csicsai redeployed to various places of cover due to the dynamic tactical situation and to better position himself to communicate and observe Fernandez.

- **Other Resources** – Officers Csicsai and Azurin's requests for other resources included an air unit, supervisor, back-up, Public Address (PA) system equipped vehicle, a traffic block, LAFD, and deployment of lethal and less lethal force options. Officers adjusted their weapon systems from lethal to less lethal and vice versa, according to the changing tactical situation. Officer Babel holstered his service pistol and deployed a 40mm LLL. Officer Houser used his slug shotgun shells due to the comments of the call and the possible necessity of a more precise firearm. Lieutenant Fogel requested a System-Wide Mental Assessment Response Team (SMART) to respond.⁴³

The UOFRB noted the officers could have been relieved of some responsibilities, allowing them to focus on their roles, if supervision had responded in a timely manner. Approximately 20 minutes after the radio call was broadcast, responding supervisors broadcast their response to the location. The UOFRB noted the importance of supervision responding to radio calls of this nature and potential magnitude to alleviate responsibilities of the officers and provide critical oversight.

Lieutenant Fogel was the first supervisor at scene and immediately began obtaining situational awareness. As he was being briefed, he was additionally assessing the lethal and less lethal weapons deployed, as well as assuring officers were behind cover. He assessed there were too many lethal weapons deployed and was concerned about contagious fire. He had directed one officer to put away his shotgun, prior to the OIS. Although Lieutenant Fogel requested a SMART team to respond, the UOFRB noted the incident should have been identified as a possible barricaded suspect and contacted, or directed contact with, the Metropolitan Division's Watch Commander to seek advice and determine if the Department's Special Weapons and Tactics (SWAT) team's response was warranted. Fernandez could have been considered a barricaded suspect based on being armed, being a threat to the lives and safety of the community and or police, being contained in an open area and the presence or approach of police officers could precipitate an adverse reaction by the suspect and refusing to submit to a lawful arrest. The SWAT team includes a Crisis Negotiation Team (CNT), comprised of SWAT officers and a police psychologist

⁴² Hesperia Avenue and Lorne Street is a T-intersection.

⁴³ The Mental Evaluation Unit can help determine if any identified subjects have had previous contact with Department personnel. The SMART team may be dispatched and able to assist in debriefing family members, witnesses, or other persons concerning issues related to the mental health of the involved person. The MEU personnel should not be used for tactical operations or other duties beyond establishing rapport with the subject, family members, or other persons who may provide crucial information that would help in resolving the situation peacefully.

from Behavioral Science Services (BSS) who are specially and continually trained in crisis negotiations.

Sergeant Cueto arrived shortly after Lieutenant Fogel. He inserted himself as the primary communicator with Fernandez due to his belief that prior CNT training, which he had received approximately sixteen years prior, made him qualified to take on that role.⁴⁴ That contact role could have been assigned to other non-supervisory personnel at scene or remained with the officers already engaged with Fernandez. The UOFRB noted that many of the officers at scene were more recently trained in Mental Health Intervention Training (MHIT). The UOFRB would have preferred Sergeant Cueto to have coordinated with Lieutenant Fogel and assisted him in supervisory responsibilities.

- **Lines of Communication** – Officers Csicsai and Azurin immediately established communications with Fernandez. Officer Csicsai attempted to establish rapport with Fernandez by giving her his first name and attempting to identify the cause of her behavior by asking questions. Officer Csicsai was the initial contact person with Fernandez but allowed other officers to be contact when she was non-compliant to his communication. Sergeant Cueto arrived at scene and took over communications with Fernandez. Lieutenant Fogel communicated with officers at scene to gather information and evaluated the amount of lethal force deployed. Prior to the OIS, Lieutenant directed Officer Alcantar to secure his shotgun. After the OIS, he provided direction to officers to holster and secure their weapons.

While the UOFRB noted that Sergeant Cueto was faced with limited time in a dynamic incident, it was a critical issue that he did not open lines of communication to establish basic control over the officers, specifically related to reducing the number of officers deploying lethal force options. Furthermore, Sergeant Cueto did not establish roles such as lethal or less lethal officers, Designated Cover Officers (DCO), arrest teams, or a communications officer. Sergeant Cueto's years of experience could have been better used to direct officers' roles, in addition to assisting Lieutenant Fogel, who had been a lieutenant for approximately one month, and was attempting to manage officers while trying to gain situational awareness, a very daunting division of labor for one supervisor. By becoming directly involved in the communication with Fernandez, Sergeant Cueto did not conduct critical supervisory operations and oversight which would have benefitted the resolution of the incident.

The UOFRB determined, and the Chief concurred, that the officers attempted to de-escalate the incident, but Fernandez' aggressive actions, including walking in the direction of Officer Csicsai and moving the gun away from her head, limited his actions. The officers attempted to utilize different aspects of de-escalation techniques throughout the incident.

⁴⁴ Sergeant Cueto attended a 40-hour course titled Crisis Intervention Team on January 6, 2003. His training record did not document any additional training related to crisis intervention.

Additional Tactical Debrief Topics

- **Simultaneous Commands** – The investigation revealed that Officer Csicsai gave Fernandez non-conflicting simultaneous commands during the incident. Throughout the incident, several different personnel were assigned to establish communications with Fernandez. During several times, Officer Csicsai, who was providing lethal force cover, also issued commands to Fernandez. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance. The Chief will direct this to be a topic of discussion during the Tactical Debrief.
- **Maintaining Control of Equipment** – The investigation revealed that Officer Babel placed a loaded 40mm LLL into his trunk after the OIS incident. The officer is reminded that storing a loaded 40mm LLL could increase the likelihood of an unintentional discharge of the launcher. In this case, the Chief would have preferred that the officer unloaded the 40mm LLL prior to placing it down. The Chief will direct this to be a topic of discussion during the Tactical Debrief.
- **Basic Firearms Safety Rules** – The investigation revealed that Officer Csicsai placed his finger on the trigger while holding his service pistol at a low ready. Officer Csicsai did this for approximately two minutes during the incident. The officer is reminded that placing his finger on the trigger can increase the possibility of an unintentional discharge of the firearm. The Chief will direct this to be a topic of discussion during the Tactical Debrief.
- **Less Lethal Warning** – The investigation revealed that Officer Csicsai gave a verbal warning to officers to standby for the discharge of the 40mm LLL as Officer Babel held the 40mm LLL. At that time, Officer Babel did not intend to discharge the 40mm LLL. The Chief would have preferred that Officer Csicsai had coordinated with Officer Babel to avoid confusion. The Chief will direct this to be a topic of discussion at the Tactical Debrief.
- **Loading Standard** – Officer Csicsai's first and second magazines were loaded with previously authorized ammunition. Prior to the OIS, Officer Csicsai had completed firearm qualification and was issued new Department approved ammunition. Officer Csicsai should have discontinued use of the previously authorized ammunition. The Chief will direct this to be a topic of discussion during the Tactical Debrief.
- **Profanity** – Officer Csicsai broadcast a back-up and air unit request over West Valley Base Frequency and, while doing so, utilized profanity. The use of profanity diminishes the professional image of the Department. The Chief will direct this to be a topic of discussion during the Tactical Debrief.
- **Chamber Check** – The investigation revealed that Officer Babel received a 40mm LLL from another officer during the incident and did not initially conduct a chamber check to confirm the loading condition of the launcher. Later during the incident,

Officer Babel paused during a tactical deployment to conduct the chamber check. The Chief will direct this to be a topic of discussion at the Tactical Debrief.

- **Effective Use of Firearms (Use of Slug Rounds)** – Officer Houser is certified to use slug ammunition in his shotgun. While enroute to the radio call, Officer Houser recalled hearing information that the suspect was holding a gun to her head and had walked behind a vehicle. Furthermore, the call did not indicate what type of gun the suspect was holding, leading Officer Houser to prepare for the suspect to possibly be in possession of a shotgun or rifle. Officer Houser believed that he might have to take a precise shot, between vehicles, and possibly through glass. Officer Houser deployed his shotgun and switched the shells from buckshot to slug. Officer Houser articulated the deployment of slug ammunition for the incident, however he added that any time that you can deploy rifle, you can deploy slug shotgun. Although the criteria may be similar, the weapon capabilities differ. To enhance future performance, the Chief will direct this to be a topic of discussion at the Tactical Debrief.

Command and Control

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical

response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide)

Lieutenant Fogel was the first supervisor at scene and assumed the role of Incident Commander. Lieutenant Fogel was at scene for approximately three minutes prior to the OIS. He immediately began obtaining situational awareness. As he was being briefed by officers, he was additionally assessing the lethal and less lethal force options that were deployed, as well as assuring officers were utilizing cover. Lieutenant Fogel assessed there were too many lethal weapons deployed and was concerned about contagious fire. He directed one officer to secure his shotgun prior to the OIS occurring. Lieutenant Fogel requested a SMART team to respond to the incident. After the OIS incident, he assured the substantially involved officers were separated, admonished, and monitored. He assured a crime scene was established, evidence was preserved, and notifications were made. Lieutenant Fogel ensured that canvassing was conducted for witnesses and for the welfare of the residents.

The UOFRB noted an approximate ten-minute gap between the time Officer Csicsai requested a supervisor to the time Lieutenant Fogel broadcast that he would be responding. Issues arising from a lack of supervision, such as simultaneous commands or an unbalanced number of lethal to less lethal designated officers at scene, could have been addressed with appropriate supervision to designate officers' roles. The UOFRB would have preferred Lieutenant Fogel to have responded to the call in a timely manner and begin designating a team to take Fernandez into custody. Additionally, instead of Lieutenant Fogel requesting a SMART team to respond to the incident, the UOFRB noted he should have identified the incident as a possible barricaded suspect and contacted, or directed contact with, the Metropolitan Division's Watch Commander to determine if the SWAT team's response was warranted. Fernandez could have been considered a barricaded suspect based on being armed, being a threat to the lives and safety of the community and or police, being contained in an open area and the presence or approach of police officers could precipitate an adverse reaction by the suspect. The SWAT team includes CNT, comprised of SWAT officers and police psychologist from BSS who are specially trained in crisis negotiations. An armed person threatening to commit suicide may also activate a CNT only response. The UOFRB did recognize Lieutenant Fogel's limited tenure as a lieutenant and his limited time at scene prior to the OIS. As such, the UOFRB believes Lieutenant Fogel's actions were sufficient and beneficial to the overall situation and the prevention of contagious fire. Also, Lieutenant Fogel appropriately, called for a cease fire upon observing that Fernandez was no longer a threat. He also immediately addressed Officer Csicsai and separated him from other officers after the OIS. Lieutenant Fogel also had the presence of mind to control the scene after the OIS and subsequently separate himself as an involved party.

The actions of Lieutenant Fogel were consistent with Department supervisor training and the Chief's general expectations of a limited tenured lieutenant during a critical incident.

Sergeant Spencer arrived simultaneously with Sergeant Cueto, trailing behind in a separate vehicle. Sergeant Spencer did not respond to the scene of the containment of Fernandez and instead set up a Command Post. After the OIS occurred, Sergeant Spencer was assigned monitoring duties of Officer Csicsai. However, Sergeant Spencer left Officer Csicsai unmonitored post OIS for approximately three minutes at the Command Post to brief Lieutenant Fogel at the scene of the OIS. The monitoring of Officer Csicsai was an important component in maintaining the integrity of the investigation.

The UOFRB also noted that Sergeant Spencer should have realized, based on the comments of the call, that the situation was a dynamic tactical incident. An emphasis should have been placed on the tactical needs as opposed to the administrative needs of establishing a Command Post. The UOFRB emphasized the need for supervision to recognize these incidents and perform their basic duties as Department supervisors for stabilizing tactically challenging and high-risk incidents. The incident may have benefitted from Sergeant Spencer's supervision at Fernandez' location.

Overall, the actions of Sergeant Spencer were consistent with Department supervisor training and the Chief's expectations of a sergeant during a critical incident.

Sergeant Cueto responded to the incident and arrived shortly after Lieutenant Fogel. Sergeant Cueto assessed the suspect was holding a gun to her head, the lethal and less lethal force options had been deployed, and that officers were utilizing cover. Sergeant Cueto stated he did not feel the need to redeploy officers and felt there was no time to formulate a plan. He made the decision to insert himself as the primary communicator with Fernandez, without consulting with Lieutenant Fogel. He stated he took over the role of contact based on his previous training as a Crisis Negotiator and his prior field experience. The OIS occurred during his communication with Fernandez. Immediately after the OIS, Sergeant Cueto ordered the officers to only maintain one service pistol drawn and for all others to holster them and secure their respective weapons. Sergeant Cueto separated Officer Csicsai from the officers and ordered him to stay with Lieutenant Fogel. He gave instruction to set up the crime scene and to conduct welfare checks of residents in the area of the OIS.

The UOFRB noted that Sergeant Cueto inserted himself as the primary communicator with Fernandez due to his belief that the CNT training he had received sixteen years prior was advantageous. That contact role could have been assigned to other non-supervisory personnel at scene or remained with the officers already engaged with Fernandez. The UOFRB noted that many of the officers at scene were more recently trained in MHIT. The UOFRB would have preferred

Sergeant Cueto to have coordinated with Lieutenant Fogel and assisted him in supervisory responsibilities. While the UOFRB understood that Sergeant Cueto was faced with limited time in a dynamic incident, it was a critical issue that he did not open lines of communication to establish basic control over the officers, specifically related to reducing the number of officers deploying lethal force options. Furthermore, Sergeant Cueto did not establish roles such as lethal or less lethal officers, DCOs, arrest teams, or a communications officer. Sergeant Cueto's years of experience could have been better used to direct officers' roles, in addition to assisting Lieutenant Fogel, who had been a lieutenant for approximately one month, and was attempting to manage officers while trying to gain situational awareness, a very daunting division of labor for one supervisor. By becoming directly involved in the communication with Fernandez, Sergeant Cueto did not conduct critical supervisory operations and oversight which would have benefitted the resolution of the incident. It did not appear that Sergeant Cueto had any better rapport or that the situation improved by his communication technique.

As a result, the UOFRB determined, and the Chief concurred, the lack of appropriate supervisory oversight exercised by Sergeant Cueto during the tactical incident prior to the OIS, substantially deviated without justification from approved Department supervisory training, and thus warranted a Tactics finding of Administrative Disapproval.

Tactical Debrief

- In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Lieutenant Fogel, and Officers Csicsai, Babel, and Houser's tactics did not substantially deviate from approved Department tactical training.

In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Sergeant Cueto's actions were a substantial deviation, without justification, from Department policy and tactical training, thus requiring a finding of Administrative Disapproval.

Each tactical incident also merits a comprehensive briefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to review the officer's individual actions that took place during this incident.

Therefore, the Chief will direct that Lieutenant Fogel, Sergeant Cueto, and Officers Csicsai, Babel, and Houser attend the Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;

- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force

General Training Update (GTU)

- Lieutenant Fogel, Sergeant Cueto, and Officer Csicsai attended a GTU on June 13, 2019. All mandatory topics were covered for the attendees including Use of Deadly Force.

Drawing/Exhibiting

- *Department policy relative to drawing and exhibiting a firearm is: "An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified" (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).*

Officer Csicsai

According to Officer Csicsai, he and Officer Azurin responded to a radio call of a possible suicidal woman (Fernandez) with a firearm. Officer Csicsai observed Fernandez holding a black handgun in her right hand as she pointed it against her right temple. Fernandez was facing the officers at the time. Officer Csicsai believed the situation could escalate to the use of deadly force and unholstered his service pistol.

Officer Csicsai recalled, *"We heard a radio call come out of a possible suicidal 415 woman with a gun...she had a black handgun in her right hand pointed right against the right temple of her -- of her head. And she was facing us... I had reason to believe that this situation we were involved in escalate to the use of deadly force, so I wanted to have my firearm out in this situation."*⁴⁵

*"It was very apparent that she had a firearm in her right hand that was -- that she had pointed against her head."*⁴⁶

*"She had it against her head, and her slightly release it, like pulling it away from her head, and I think later put it back."*⁴⁷

⁴⁵ Csicsai, Page 6, Lines 1-3; Page 7, Line 25; Page 8, Lines 1-3 and Lines 4-7.

⁴⁶ *Id.*, Page 22, Lines 17-19.

⁴⁷ *Id.*, Page 41, Lines 14-17.

According to Officer Csicsai, once officers (Officers Alcantar and Cardoza) left from the area of the passenger door, he placed his 40mm LLL on the passenger seat, unholstered his service pistol, and used the passenger door as cover. Officer Csicsai had observed Fernandez was also holding a gun box which resembled a Glock gun box with an orange gun lock attached. Officer Csicsai determined the handgun was not a toy and that a real handgun had been removed from a gun box. Officer Csicsai believed this was a violent confrontation with an irate, volatile individual, in possession of a handgun that was behaving irrational and believed she was suicidal.

Officer Csicsai recalled, *"It was a Glock; she held a gun box. That gun box resembled a Glock gun box. Not only that but attached to the gun box was an orange gun lock, cable lock. So, when I saw that, that's going to be somebody that this is not a toy gun. This is a real gun that has been removed from a gun box, so it's a lethal weapon that we have."*⁴⁸

*"I also took a stance, knee stance, next to the door with my firearm also out...I believe I lowered down and -- and held it at my side...It would have been along the frame away from the trigger."*⁴⁹

*"I did not feel very comfortable if any officers would be putting their guns down with an individual who is volatile, suicidal, and violent, in possession of a firearm. It's putting ourselves at a disadvantage and danger."*⁵⁰

*"This was a violent confrontation with an irate, volatile individual, in possession of a firearm that was behaving irrational."*⁵¹

Officer Babel

According to Officer Babel, upon arrival at the location, he exited his police vehicle and unholstered his service pistol in a two-handed low ready position. Officer Babel was aware that the comments of the radio call indicated that the subject was armed and had the gun to her head.

Officer Babel recalled, *"When I originally exited the vehicle and unholstered my weapon, I was at a low -- two-handed low ready."*⁵²

⁴⁸ Csicsai, Page 30, Line 20 – Page 31, Line 1.

⁴⁹ *Id.*, Page 34, Lines 5-6; Page 34, Lines 12-13; Page 35, Lines 19-22.

⁵⁰ *Id.*, Page 54, Lines 16-20.

⁵¹ *Id.*, Page 32, Lines 22-24.

⁵² Babel, Page 36, Lines 13-15.

*"According to the comments of the call she -- she was armed and had the gun to her head."*⁵³

According to Officer Babel, Officer Rivera had requested for him to move his police vehicle forward, north of Hesperia Avenue. Officer Babel holstered his service pistol. Officer Babel moved his police vehicle north, stopped and exited. As he exited his police vehicle, Officer Babel he heard other officers say, "Whoa" as they observed the subject (Fernandez) with a handgun. When Officer Babel saw Fernandez with a handgun, he realized the situation could escalate to the point of deadly force and unholstered his service pistol a second time and held it at a two-handed low ready position. Officer Babel took a position of cover behind his police vehicle.

Officer Babel recalled, *"At that point, I exited the vehicle, and I heard other officers say, 'Whoa' as they observed the subject with a gun. At that point when I saw the subject with a gun, I unholstered my weapon and tried to get cover behind the black and white vehicle."*⁵⁴

*"The reason I unholstered my side arm is because the subject had a gun. And I realized that the situation could escalate to where I would have to use deadly force."*⁵⁵

Officer Houser

According to Officer Houser, he was a slug operator at the time of the incident. He heard the comments of the radio call which indicated Fernandez had a gun pointed to her head and that she was walking between two vehicles. The call did not indicate what type of gun Fernandez was holding leading Officer Houser to prepare for Fernandez to possibly be in possession of a shotgun or rifle. Officer Houser believed that he might have to take a precise shot between vehicles and through glass. Officer Houser un-racked his shotgun and switched the shells from buckshot to slug. Officer Houser approached and knelt to assess and see where he would be most useful. Officer Houser took position next to Officer Csicsai and told him he had a slug shotgun and could assume Officer Csicsai's position. Officer Csicsai moved and Officer Houser assumed his position of cover behind the open passenger door of the police vehicle.

Officer Houser recalled, *"...it's a suspect there now with a gun call, it didn't appear what type of gun it was pointed to her head, so people could point shotguns to their head, rifles to their head, I don't know. So, I'm a slug operator, so I unracked my shotgun, went to the back of the nearest black and white for cover, and I switched*

⁵³ Babel, Page 34, Lines 21-22.

⁵⁴ *Id.*, Page 6, Lines 15-20.

⁵⁵ *Id.*, Page 16, Lines 7-10.

over from buck shot to slug shotgun. I know any time that you can deploy rifle, you can deploy slug shotgun. And hearing that she's next to a vehicle, you know, I'm thinking maybe I might have to take a precise shot, you know, between vehicles, through glass... I didn't -- meet not have time to do a slug -- slug roll-out... When I saw the officers there, I took a knee to assess the situation.”⁵⁶

“So, I assessed the situation and see where I could most be useful. I saw Csicsai was the closest position holding the pistol, so I decided to go up behind Csicsai, give him a tap on the shoulder and say, “Hey, I have a slug shotgun. I'll take over for you.” Csicsai notified me to go around the right side of him. I went around the right side of him. And then that's when I took over his position on the black and white directly in front of the suspect... So I was on the right door when it was propped open where Csicsai was originally.”⁵⁷

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officers Csicsai, Babel, and Houser's Drawing and Exhibiting. The UOFRB noted their actions were consistent with department training and policy. The officers responded to a radio call of a suicidal female with a handgun pointed at her head. After approaching, officers observed Fernandez holding the handgun to her head and requesting officers to shoot her.

As such, based on the totality of the circumstances, the UOFRB determined, and the Chief concurred that an officer with similar training and experience as Officers Csicsai, Babel, and Houser would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officers Csicsai, Babel, and Houser's Drawing and Exhibiting to be In-Policy, No Further Action.

Use of Force – General

- *It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:*
 - *Defend themselves;*
 - *Defend others;*
 - *Effect an arrest or detention;*
 - *Prevent escape; or,*
 - *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar

⁵⁶ Houser, Page 8, Lines 2-14, Lines 17-18, and Lines 21-22

⁵⁷ *Id.*, Page 9, Lines 4-12 and Lines 19-20

training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The seriousness of the crime or suspected offense;
- The level of threat or resistance presented by the subject;
- Whether the subject was posing an immediate threat to officers or a danger to the community;
- The potential for injury to citizens, officers or subjects;
- The risk or apparent attempt by the subject to escape;
- The conduct of the subject being confronted (as reasonably perceived by the officer at the time);
- The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;
- The availability of other resources;
- The training and experience of the officer;
- The proximity or access of weapons to the subject;
- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,
- The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)

Lethal Use of Force

- Law enforcement officers are authorized to use deadly force to:
 - Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,
 - Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,
 - Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume 1, Section 556.10).
- **Officer Csicsai** — .40 caliber, five rounds in a northwesterly direction from an approximate distance of forty feet.

Round One

According to Officer Csicsai, he observed Fernandez get up as though she was determined to engage the officers with the handgun. Fernandez canted the handgun in her right hand as she walked from the telephone pole and entered the

street. Fernandez quickly walked in an eastern to southeastern direction. Fernandez looked at Officer Csicsai and took a few steps further in his direction. According to Officer Csicsai, he had positioned himself to the right of the passenger door and had been using the door and the front of the police vehicle's engine as cover. As Fernandez walked in the east to southeast direction, Officer Csicsai believed she was closing the distance to him, walking in a direction that would be flanking him, and leaving him in fear that he would be left without any cover. Officer Csicsai observed Fernandez move the handgun away from her head and start pointing it in his direction while looking at him. Officer Csicsai feared for his life and believed the handgun would cause serious bodily injury. Officer Csicsai believed Fernandez had the intent to shoot at him. Officer Csicsai was fearful and believed Fernandez had a position of advantage over him. Officer Csicsai feared for his life and believed she would cause serious bodily injury or death. Officer Csicsai believed Fernandez was going to acquire her sights and fire her weapon at him. Officer Csicsai fired his first round. Officer Csicsai observed Fernandez' body jolt a little bit.

Officer Csicsai recalled, *"Got back up again like she was determined to -- to -- to just move, to engage us. She then quickly walked in an eastern to southeastern direction with the firearm, and she was looking right at my location where I was... After she took a few steps, it -- I no longer was able to have cover behind my vehicle... and I saw her really take her -- take her hand with the gun, release it from her head, and start pointing it in my direction as she was looking at me. At that time, I feared for my life."*⁵⁸

*"Her elbow being bent, hand and gun towards the head, as she's releasing, she is now extending her elbow out in front of her with the firearm coming towards me. she had the gun in her hand, and that is was moving away from her head in a motion towards me... off the top of my head, I can't remember it being perfectly parallel to the ground."*⁵⁹

*"Firearm was, I guess, canted where when -- I do remember that one time when she released it, it did come 1 forward a little bit.... By the telephone pole."*⁶⁰

*"I do remember she had her finger on the trigger when she was near the power pole."*⁶¹

⁵⁸ Csicsai, Page 13, Lines 16-25 and Page 14, Line 1.

⁵⁹ *Id.*, Page 43, Lines 5-8, Lines 21-22 and Page 44, Lines 7-9.

⁶⁰ *Id.*, Page 41, Line 25 – Page 42, Line 2, and Page 42, Lines 5.

⁶¹ *Id.*, Page 52, Lines 19-20.

*"I remember her walking out into the street, and she still had the firearm in her right hand, up against her -- against her head. She looked over into my direction, looked at me, and I remember her moving her hand with the gun away from her head... Her hand was moving towards me, pointing the gun towards my direction."*⁶²

*"Yes... I was -- she was in a position of advantage with me still being in the kill zone, and I felt that there was still the imminent threat that was there."*⁶³

*"Center torso, body mass."*⁶⁴

*"I was in fear for my life, that the suspect, being in possession of a firearm, and having her closing the distance, walking in a direction that would be flanking me, putting me into the kill zone where now I have no cover, her hand coming towards me in my direction, and her looking at me, obtaining my location where I am, I believed that she was acquiring -- she was going to acquire her sights and fire her fire -- her weapon at me... So, I shot to protect myself from serious bodily injury or death."*⁶⁵

*"I remember seeing her body kind of just -- I mean, I don't know how to say it. Just jolt a little bit."*⁶⁶

*"I -- I believe that -- that the firearm that she had would cause serious bodily injury, and that she had the intent to shoot at me, and I fired my weapon."*⁶⁷

Round Two

According to Officer Csicsai, he still saw an imminent threat and believed Fernandez still had the handgun in her hand and it was still coming down towards his direction. Officer Csicsai fired his second round while still aiming his service pistol at Fernandez' upper body, center mass.

⁶² Csicsai, Page 42, Lines 9-13 and Lines 15-16.

⁶³ *Id.*, Page 57, Line 14 and Lines 17-20.

⁶⁴ *Id.*, Page 44, Line 12.

⁶⁵ *Id.*, Page 44, Line 18 – Page 45, Line 1 and Lines 3-4.

⁶⁶ *Id.*, Page 47, Lines 6-8.

⁶⁷ *Id.*, Page 14, Lines 1-3.

Officer Csicsai recalled, *"It was still upper body, center mass... It was -- it was still in her hand, and I believe it was still coming down towards me to point in my direction."*⁶⁸

*"I still saw an imminent threat -- present threat to me."*⁶⁹

Rounds Three to Five

According to Officer Csicsai, after firing the second round, he believed Fernandez was still an imminent threat of danger since he observed her to still be in possession of the handgun and that the threat had not been stopped. Officer Csicsai maintained his aim at Fernandez' upper body, center mass, and fired his third round.

Officer Csicsai recalled,

According to Officer Csicsai, when asked by FID investigators about the target location for the third round, he responded, *"Upper body, center mass."*⁷⁰

According to Officer Csicsai, when asked by FID investigators on the position of Fernandez' handgun, if it was still in her hand, and still coming down towards him as described for Round Two, he responded, *"The same."*⁷¹

*"I still believe that the threat was there, that a threat had not been stopped."*⁷²

According to Officer Csicsai, Officer Csicsai observed, after his third round, that Fernandez was still an imminent threat of danger and she still had possession of the gun. Officer Csicsai fired his fourth round at Fernandez.

Officer Csicsai recalled, *"Same, upper body, center mass... That there was still an imminent threat of danger, serious bodily injury to me. The -- the threat was still there. She still had possession of the gun. I had acquired my sights and was still coming in in a direction towards me."*⁷³

According to Officer Csicsai, believed Fernandez was still in possession of the handgun and believed she still had it pointed towards him. Officer Csicsai observed

⁶⁸ Csicsai, Page 45, Lines 17-18 and Line 24 – Page 46, Line 1.

⁶⁹ *Id.*, Page 47, Lines 11-12.

⁷⁰ *Id.*, Page 45, Line 21.

⁷¹ *Id.*, Page 46, Line 3.

⁷² *Id.*, Page 47, Lines 19-21.

⁷³ *Id.*, Page 46, Line 6 and Lines 9-13.

Fernandez to still be standing after each round. Officer Csicsai fired a fifth round. Officer Csicsai, after assessing again, observed Fernandez' direction had changed away from him and the firearm was on the ground. Fernandez began stumbling forward.

Officer Csicsai recalled, *"It was upper body, center mass. And I believed that she was still in possession of the firearm, just like I said before."*⁷⁴

*"Well, I was -- I was in fear for my life, so I believed that she still had it pointed towards me."*⁷⁵

According to Officer Csicsai, when asked by FID investigators if Fernandez was standing after each round, he responded, "yes."⁷⁶

*"Yes. After assessing, after my fifth shot, and seeing that her direction had now changed away from me, I had seen that there was a firearm on the ground, that she was now stumbling westward."*⁷⁷

*"I -- I shot her approximately five rounds. I shot my rounds not in a fast consecutive manner, but I did it in a slow and -- I did it in a -- in -- I did it in a slow fashion to be able to have control of my firearm and to direct my shots to be effective."*⁷⁸

*"I did see that my -- that my shots were making contact with her... It was then, after those shots, that she turned and appeared that she was going to fall or go backward and no longer coming towards me that I stopped, and I assessed seeing that the firearm was on the ground."*⁷⁹

*"Even though I had a suspect who was being violent with a firearm, I, you know, I still cared."*⁸⁰

In this case, the UOFRB conducted a thorough review of the investigation and considered several factors in evaluating the reasonableness of Officer Csicsai use of lethal force. During their review, they took into consideration that Fernandez was an

⁷⁴ Csicsai, Page 46, Lines 17-19.

⁷⁵ *Id.*, Page 46, Lines 22-24.

⁷⁶ *Id.*, Page 57, Line 11.

⁷⁷ *Id.*, Page 48, Lines 6-10.

⁷⁸ *Id.*, Page 14, Lines 4-8.

⁷⁹ *Id.*, Page 14, Lines 8-9 and Lines 12-15.

⁸⁰ *Id.*, Page 15, Lines 7-8.

armed subject who was holding a handgun to her head, shouting at the officers to shoot her. Fernandez closed the distance to the officers. Fernandez then moved her handgun in the direction of Officer Csicsai and surrounding officers. Due to Fernandez' actions, Officer Csicsai feared that Fernandez could cause serious bodily injury or death to which he responded with the use of deadly force. Officer Csicsai assessed between each round. Prior to his last shot, Officer Csicsai perceived Fernandez to be standing, in possession of the firearm, while still moving in his direction. After Officer Csicsai fired his last round, he perceived Fernandez' direction had changed, away from him and he observed her firearm on the ground. Officer Csicsai assessed and perceived that she was no longer a threat and was no longer holding her handgun.

The Chief looked closely at Officer Csicsai's service pistol rounds after Fernandez dropped her gun. The Chief opined the BWV did not provide Officer Csicsai's point of view and that greater weight should be given to Officer Csicsai's perception versus solely a review of the BWV. Officer Csicsai's Use of Lethal Force was objectively reasonable based on human performance factors which explained his perception and reaction time during the incident.⁸¹

As such, based on the totality of the circumstances, the UOFRB determined, and I the Chief concurred, that an officer with similar training and experience as Officer Csicsai would reasonably believe that the subject's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, the Chief found Officer Csicsai's Use of Lethal Force to be In Policy, No Further Action.

Additional/Equipment

- **Documentation of Categorical Use of Force** - Lieutenant Fogel did not note in his Watch Commander's Daily Report the additional supervisor who monitored Sergeant Cueto. This issue was brought to the attention of Captain P. Espinosa, Serial No. 30820, Commanding Officer, West Valley Area. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training. The Commanding Officer of Operations – Valley Bureau (OVB) and the Director of the Office of Operations (OO) concurred with this action. As such, the Chief deemed no further action is necessary.
- **Initiating Contact While Seated in Police Car** - Officers Lemus-Morales and Romero remained seated in their police vehicle while speaking with Fernandez' boyfriend through the open passenger window. Officers are reminded of the tactical

⁸¹ Reaction time is a measure of the time from the arrival of a suddenly presented and unanticipated signal to the beginning of the response to it. Officer Csicsai's reaction time would be the measure of time from when he first perceived Fernandez as no longer being a threat to the beginning of his response to stop discharging his service pistol.

disadvantage inherent with staying inside of their vehicle and as such, should deploy from their vehicles and initiate contact outside of it. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

- **Post Categorical Procedures** - Sergeant Spencer obtained the PSS of Officer Csicsai and additionally monitored him at scene. While Sergeant Spencer was monitoring him, he left Officer Csicsai unmonitored for approximately three minutes. Sergeant Spencer returned and, during monitoring, allowed Officer Csicsai to broadcast a request for witness canvassing. While continuing to monitor Officer Csicsai, Sergeant Spencer allowed Officer Cardoza to approach and discuss information in front of Officer Csicsai. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training and a Notice to Correct Deficiencies.⁸² Captain Espinoza will also insure that all supervisors within West Valley Patrol Division and Area will have the topic of separation and monitoring discussed at roll call training, at supervisor deployment meetings, and the topic will be discussed at the next All Supervisors Meeting. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.
- **Maintaining Control of Equipment** – The investigation revealed that Officer Thornton placed a loaded 40mm LLL on his front passenger seat as he drove away from the incident. In addition, Officer Alcantar placed a loaded 40mm LLL on the front passenger seat of his unsecured police vehicle, during the time Fernandez was being taken into custody. This was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.
- **Chamber Check** – The investigation revealed that Officers Alcantar and Thornton were issued shotguns from other officers engaging in tactical re-deployments during the incident. Neither Officer Alcantar nor Officer Thornton chamber checked their shotgun to confirm the condition of the firearm.

The issues regarding Officers Alcantar and Thornton were brought to the attention of Captain Espinosa who advised that these issues were addressed with divisional training. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

- **Use of Seatbelt** – The buffering of Officer Azurin BWV captured him riding in his police vehicle. At approximately two minutes into the BWV, the video captured him securing his seatbelt. This issue was brought to the attention of Captain Espinosa

⁸² A Notice to Correct Deficiencies may be used to document deficient performances or censurable incidents, involving Department employees.

who advised that this issue was addressed with an informal counseling. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

- **Basic Firearms Safety Rules** – The investigation revealed that Officer Cardoza momentarily covered himself with the muzzle of his shotgun, as he handed the shotgun to Officer Alcantar. Officer Gan used his patrol rifle scope to observe Fernandez from a distance. Although Fernandez was armed with a handgun during the incident, Officer Gan did not intend to point his patrol rifle at Fernandez and intended to just use the mounted scope to enhance his ability to observe. Officer Hammers placed his shotgun on the driver seat with its muzzle pointed upward. Officer Hammers reached into his vehicle and may have covered his right arm with the shotgun muzzle.

The issues regarding Officers Cardoza and Gan were brought to the attention of Captain Espinosa who advised that these issues were addressed with divisional training. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

The issue regarding Officer Hammers was brought to the attention of Captain A. Neiman, Serial No. 25146, Commanding Officer, Valley Traffic Division, who advised that this issue was addressed with divisional training. The Commanding Officer of Transit Services Bureau (TSB) and the Director of the Office of Special Operations (OSO) concurred with this action. As such, the Chief deemed no further action is necessary.

- **Driving with Patrol Rifle Slung** - Officer Gan slung his loaded patrol rifle across his chest and, with the patrol rifle pointing down and towards the driver door, drove his police vehicle to another location to redeploy. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

BWV Activation

- Sergeant Cueto did not activate his BWV during the incident. However, Sergeant Cueto believed he did activate it prior to the incident. An analysis by West Valley Area determined Sergeant Cueto did not have any prior BWV non-compliance incidents. This was brought to the attention of Captain Espinosa who advised that this issue was addressed with an informal counseling. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

Officer Gan conducted an in-field power off and did not power back on until after the OIS. An analysis by West Valley Area determined Officer Gan had three prior BWV non-compliance incidents. This was brought to the attention of Captain Espinosa

who advised that this issue was addressed through a Department-initiated personnel complaint and divisional training. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

Officer Cardoza had four seconds of buffering as a result of an in-field power off. An analysis by West Valley Area determined Officer Cardoza had five prior BWV non-compliance incidents. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training and a Department-initiated personnel complaint. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

Officer Clodfelter had a 12 second buffering time before activating as a result of an in-field power off. An analysis by West Valley Area determined Officer Clodfelter had two prior BWV non-compliance incidents. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training and a Department-initiated personnel complaint. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

Officer Csicsai had no buffering time before activation as a result of an in-field power off. An analysis by West Valley Area determined Officer Csicsai did not have any prior BWV non-compliance incidents. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training, the issuance of an Employee Comment Sheet, and the generation of a SAI. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

Officer Olson had a 49 second buffering time due to an in-field power off. An analysis by West Valley Area determined Officer Olson had one prior BWV non-compliance incident. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training, the issuance of an Employee Comment Sheet, and the generation of a SAI. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

Officer Thornton activated his BWV device approximately two minutes after arriving at scene, resulting in a late activation. An analysis by West Valley Area determined Officer Thornton had one prior BWV non-compliance incident. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training, the issuance of an Employee Comment Sheet, and the generation of a SAI. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

Officer Gastellum activated her BWV approximately one minute after she began her Code Three response resulting in a late activation. An analysis by West Valley Area determined Officer Gastellum had one prior DICVS non-compliance incident. This issue was brought to the attention of Captain Espinosa who advised that this issue was addressed with divisional training, the issuance of an Employee Comment Sheet, and the generation of a SAI. The Commanding Officer of OVB and the Director of OO concurred with this action. As such, the Chief deemed no further action is necessary.

Audio/Video Recordings

- **Digital In-Car Video System (DICVS)** – West Valley Patrol Division police vehicles were equipped with DICVS. Officer Babel and Officer Alcantar's DICV's captured a portion of the OIS.
- **Body Worn Video (BWV)** – Officers from West Valley Patrol Division and Valley Traffic Division who were at scene were equipped with BWV. The BWVs of Officers Cardoza, Houser, Hammers, Romero, and Lieutenant Fogel all captured portions of the OIS. Officer Lemus-Morales' BWV captured Fernandez' arrest.
- **Outside Video Surveillance** – A surveillance camera located at 8101 Hesperia Avenue contained six video clips showing the actions of officers positioned on Lorne Street, but it did not capture the OIS. A surveillance camera located at 8054 Hesperia Avenue contained 66 total clips due to it being a motion activated camera. The actions of the officers on Lorne Street were captured, but the video did not capture the OIS.

[This section intentionally left blank.]

INSPECTOR GENERAL REVIEW

Inspector General Analysis

Investigation Quality

- No significant issues of concern were identified in relation to investigation quality.

Training Issues

- No significant issues of concern were identified in relation to training.

Equipment Issues

- No significant issues of concern were identified in relation to equipment.

Detention

- The OIG concurs with the Chief's analysis.

Tactical De-Escalation

- The OIG concurs with the Chief's analysis.

Inspector General Recommendations

Tactics

- The OIG concurs with the Chief's findings.
- As noted by FID, after having deployed the 40mm less lethal launcher, Officer Csicsai placed the weapon on the passenger's seat of Officer Babel's vehicle with its hammer in the cocked position. The OIG recommends that this issue be addressed with Officer Csicsai during the tactical debrief.

Drawing and Exhibiting

- The OIG concurs with the Chief's findings.

Lethal Use of Force

- The OIG concurs with the Chief's findings.
- In its review of Officer Csicsai's use of lethal force, the OIG considered the totality of the circumstances, including the following factors:

- Officer Csicsai had seen Fernandez in possession of a pistol for a protracted period of time leading up to the OIS, during which Fernandez's actions and verbal statements indicated that she was emotionally disturbed and possibly suicidal, and that she would not comply with directions from officers to relinquish her weapon;
- Immediately prior to the OIS, Fernandez's actions significantly escalated when she told the officers to shoot her, began to move toward officers, moved the pistol away from her own head, and raised the pistol in the general direction of officers at the scene;
- Fernandez was holding the raised pistol when Officer Csicsai began to fire at her;
- Officer Csicsai's BWV footage shows that Fernandez dropped the pistol at approximately the same time as when Officer Csicsai fired his second round at her;
- Officer Csicsai's testimony establishes that he was unaware that Fernandez had dropped the pistol as he fired rounds three through five, and that he still believed Fernandez to be armed when he fired these rounds. Following the discharge of his fifth round, Officer Csicsai observed Fernandez's pistol on the ground, realized that the threat had diminished, and ceased firing;
- Officer Csicsai's BWV footage shows that Fernandez was holding her pistol in her right hand when she initially raised it prior to the OIS. After Officer Csicsai began to fire at her, Fernandez turned her body such that her right side was no longer readily visible from Officer Csicsai's position; and,
- FID's investigation established that Officer Csicsai fired his rounds over a period of approximately three seconds.

Given the above-described factors, the evidence supports the conclusion that it was objectively reasonable for Officer Csicsai to believe Fernandez presented an imminent deadly threat at the time he began to fire his weapon at her. Although Officer Csicsai did not immediately recognize that Fernandez had dropped her pistol, he stopped firing upon observing that the pistol was on the ground. Given the brief period of time over which the shooting unfolded, combined with Fernandez's movements after the pistol was dropped, the evidence does not establish that Officer Csicsai's decision to discharge rounds three through five was objectively unreasonable. Accordingly, the OIG concurs with the Chief's finding that Officer Csicsai's use of lethal force was within Department policy.



MARK P. SMITH
Inspector General